

## INDICTMENT

The Federal Prosecutor states that the Indictment Division of the Brussels Court of Appeal, by judgment of 17 September 2021, referred the case to the Criminal Court of the administrative district of Brussels-Capital :

1. **ATAR** Oussama, born on 4 May 1984 in Brussels (district 2), alias "Abou Ahmed (al Iraqi)", alias "Abou Ahmad (al Iraqi)", alias "Abou Yaser al-Iraqi", alias "Abou Yaser al-Balgeki", of Belgian and Moroccan nationality, officially deregistered from rue du Busselberg 64 at 1070 Anderlecht since 17 June 2014, the subject of a capture order issued by the Chamber of Indictments in Brussels on 21 September 2021.
2. **ABRINI** Mohamed, born on 27 December 1984 in Berchem-Sainte-Agathe, alias «Abou Yahya», alias «Yahya», alias «Abou Hamza», alias «Brioche», of Belgian and Moroccan nationalities, officially deregistered from rue Alphonse Vandenpeereboom, 14 to 1080 Molenbeek-Saint-Jean since 9 December 2021, currently detained on other grounds and subject to a capture order issued by the Brussels Chamber of Indictments on 21 September 2021.
3. **KRAYEM** Osama, born 16 August 1992 in Sweden, alias "AL HAMED Nairn" (born 1 January 1988), alias "ABDELKADER Omar" (born 16 August 1992), alias "SAKRIE Samir" (born 12 April 1988), alias "Abou Omar", alias "EL HAMED Nairn" (born 1 January 1988), of Swedish nationality, without domicile or residence in Belgium, currently detained on other grounds and subject to a capture order issued by the Brussels Chamber of Indictments on 21 September 2021.
4. **ABDESLAM** Salah, born in Brussels (district 2) on 15 September 1989, alias «Abou Abderrahman», alias «Abderrahman», alias «Abd Rahman», alias «AbdRahman», of French nationality, officially deregistered from the Place Communale, 30 to 1080 Molenbeek-Saint-Jean, since 27 June 2016, currently detained on other grounds and subject to a capture order issued by the Brussels Chamber of Indictments on 21 September 2021.
5. **AYARI** Sofien Sadek Said, born 9 August 1993 in Tunis (Tunisia), alias "AYARI Sofiane", alias "Abou Hamza", alias "Hamza", alias "Abou Ahmed", alias "CHOUKRI Amine" (born 1 January 1986), alias "CHOUKRI Amine" (born 2 January 1986), alias "ALHAJ AHMED Monir" (born 25 May 1989), alias «MONIR ALHAJ Ahmed» (born 25 May 1989), of Tunisian nationality, without domicile or permanent residence in Belgium, currently detained on other grounds and subject to a capture order issued by the Brussels Chamber of Indictments on 21 September 2021.
6. **EL HADDAD ASUFI** Ali, born 23 September 1984 in Berchem-Sainte-Agathe, of Belgian and Moroccan nationality, domiciled Rue du Pavillon, 20, 1030, Schaarbeek currently detained on other grounds and subject to a capture order issued by the Brussels Chamber of Indictments on 21 September 2021.
7. **EL MAKHOUKHI** Bilal, born on 10 March 1989 in Brussels, alias «Abou Imran», alias «Abou Imrane», alias «Imran», alias «Imrane», of Belgian and Moroccan nationality, domiciled Rue des Palais outre-Ponts 416 to 1020 Brussels, currently detained.
8. **BAYIIMGAIMA MUHIRWA** Hervé, born 5 May 1985 in Kigali (Rwanda), alias «Abdel Karim», alias «Adboulkarim», alias «Amin», alias «Amine», of Belgian and Rwandan nationalities, formerly domiciled rue du Tivoli, 33 in 1020 Brussels, and now registered in 1000 Brussels, Haute Street, 298/A, currently detained.
9. **FARISI** Smail, born on 12 November 1984 in Anderlecht, alias «Fumier», of Belgian and Moroccan nationality, having been domiciled in 1040 Etterbeek, Avenue des Casernes 39, currently domiciled in Rue de l'Agrément, 19 in 1070 Anderlecht and having elected an

address there, currently detained on other grounds and subject to a capture order issued by the Brussels Chamber of Indictments on 21 September 2021.

10. FARISI Ibrahim, born on October 5, 1988 in Anderlecht, of Belgian and Moroccan nationality, domiciled in Mont Saint-Lambert, 6/b 21 at 1200 Woluwé-Saint Lambert but having elected address rue Edmond Delcourt, 57 to 1070 Anderlecht, having been detained in connection with the arrest warrant from 11 April 2016 to 16 November 2016, date of his conditional release by order of the investigating magistrate; subject to a capture order issued by the Brussels Chamber of Indictments on September 21, 2021.

Accused of crimes under Articles 52, 66, 80, 137 §1er and §2 (1°), 138, 139, 140, 392, 393 and 394 of the Penal Code;

Accordingly, the Federal Prosecutor has drawn up this indictment, which states that the following facts and details appear from the exhibits:

#### **TITLE I: PRELIMINARY**

In cases brought before the assize court, the law requires the prosecution to prepare a written report, called an "indictment", which the prosecutor must read in full or in part at the beginning of the trial.

An "indictment" is a written report in which the facts ascribed to each accused are set out and legally qualified. The report sets out all the circumstances that may aggravate or diminish the sentence.

It is intended to ensure the effective information of the accused on the nature of the case and the charge brought against them, and serves as an introductory act in the debates of the assize court by which the jury becomes aware of the facts which it will have to judge. It must be established on a charge-and-release basis, in an impartial and objective manner.

The preparatory examination proved to be particularly long and gave rise to a voluminous dossier.

This indictment summarizes as much as possible the investigation into the attacks in Brussels on 22 March 2016, addressing its most important elements.

The various speakers - accused, civil parties, witnesses, lawyers, and magistrates - will of course be able to refer to and talk about the elements that would not have been included in this document in the course of the proceedings.

Finally, the jury has access to the entire file at the time of its deliberation. Its members will therefore be able to verify or supplement as they like the information presented in this "indictment".

#### **TITLE II: THE GEOPOLITICAL CONTEXT OF THE FACTS**

Before focusing on the facts, it is important to place the attacks in the geopolitical context in which they were conceived, prepared, and executed.

#### **CHAPTER I: THE GEOPOLITICAL SITUATION IN SYRIA AND IRAQ ("SHAM")<sup>1</sup>**

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<sup>1</sup> For further development, cfr. le PV 002206/18, MODULE 15, Carton 22, Sous-Farde 1, pièce 12 (=MOD15, C22, SFI, 12)



## **I. THE SITUATION IN IRAQ:**

In June 2006, after the death of its leader Abu Musab AL ZARKAOUI, the «Al Qaeda in Iraq» movement was dissolved and replaced by a new entity: the «Islamic State of Iraq» (ISI, Islamic State of Iraq). It pursues the same objectives of establishing a government and to spread the “wave of jihad” to neighbouring countries while fighting the Americans on the ground and ultimately annihilating Israel.

This movement is joined by former Al Qaeda executives who, once released from American prisons like «Camp Bucca» or «Abu Graib», come to strengthen it. Thus, Abu BAKR AL-BAGDADI and the Syrian Abu Mohammed AL-JOULANI quickly integrate the head of the terrorist group «Islamic State of Iraq».

In May 2011, on the death of Osama bin Laden, Abu Bakr al-Baghdadi refused to swear allegiance to his successor and displayed his will for independence.

He wants to take root and create a «Sunni caliphate riding between Iraq and Syria»

## **II. THE SITUATION IN SYRIA**

Syria is a country with an overwhelmingly Muslim population, mainly Sunni. In 2000, supreme power was exercised by Bashar El Assad, whose family belongs to the Alawite religious minority, usually assimilated to a variation of Shiite Islam.

This clan finds support, internally, from other religious and ethnic minorities who fear the power of the Sunni majority, and outside, with the former USSR and Iran, two regimes and Iran, two regimes abhorred by this same Sunni faction.

In the beginning, the Salafist movement, of Sunni obedience, developed underground. It sometimes has the support of the regime when it comes to Syrian or foreign jihadists crossing Syria in order to foment unrest in Iraq.

## **III. THE ARAB SPRING**

The situation in Syria and the civil war that has taken place there since 2011 have their origin in the popular uprising that has developed underground against the dictatorial power of President Bashar al-Assad. Among the current opponents of power, various Salafist or radical Islamist movements have emerged and taken an increasingly important place in the rebellion.

Initially, the opposition was led by the Free Syrian Army (FSA) composed of Syrian forces with secular or «moderate Islamist» tendencies and ex-military hostile to the regime. But very quickly, the Free Syrian Army (FSA) will be weakened by internal dissension and various struggles of influence.

Rapidly, many Salafist-leaning jihadists were drawn to these conflict zones, driven by their desire to defend local populations against unjustified attacks and to lead jihad to defend the caliphate.

It is in this context that the terrorist group «Islamic State of Iraq», begins its rise and takes advantage of the civil war raging in Syria to expand its influence in the region.

In this region, taken over under the name of «Sham» (greater Syria or «Levant»), a jihadist group called «Jabhat al-Nosra» (the Al-Nosra Front) manifests in 2012 made up of fanatical Syrians who belonged to the Islamic State of Iraq group led by Abu Bakr AL BAGHDADI. Abu Mohammad AL JOULANI is at the head of this mainly active movement in Syria.

The group «Jabhat Al-Nosra» then gathers a large number of foreigners, supporters of the «global jihad» and forms a large group of armed rebels aiming at the creation of an Islamic state across the world far exceeding the contours of the Syrian conflict.

Several Belgians, mainly young people, joined Jabhat al-Nosra. Attracted by the propaganda of Al Qaeda which symbolically opposes sharia (Islamic law) to democracy. These violent jihadists see the conflict in Syria as an opportunity to impose a regime based on their doctrine.

In March 2013, the group «Jabhat al-Nosra» is considered by the Americans as a terrorist organization that cannot be distinguished from the group «Islamic State of Iraq», itself a descendant of al-Qaeda. The following May 31, the UN Security Council added him to the list of terrorist organizations.

In April 2013, Abu Bakr AL BAGHDADI announced the merger of the terrorist group «Islamic State of Iraq» and the «Al-Nosra Front» to form a new group «Islamic State of Iraq and the Levant». But AL JOULANI refuses to swear allegiance to Abu Bakr AL BAGHDADI so that the two groups enter into conflict.

The terrorist group «Islamic State of Iraq and the Levant» however continues its progression in Iraq and takes the city of Mosul in June 2014.

By unifying the territories of Iraq and Syria, the terrorist group «Islamic State in Iraq and the Levant» pursues the objective of unifying the Sham, a region that extends over the territory of the two States. Abu Bakr AL BAGHDADI takes advantage of the capture of Mosul to declare a few days later (June 29, 2014) the creation of the terrorist group «Islamic State», whose operation is based on a violent doctrine close to AL Qaeda.

In June 2014, the spokesman of this terrorist group «Islamic State,» Abu Mohammed AL ADNANI, proclaims the establishment of a caliphate that extends over all the territories controlled by this group and on this occasion recalls that the Caliphate must be supported by the entire Muslim community. Abu Bakr AL BAGHDADI, self-proclaimed «commander of believers», was elevated to the rank of Caliph. Upon taking office, he will condemn the «humiliation and massacre of Muslims around the world», calling on Muslims to make the «hijra» (emigration to Islamic lands) within the caliphate.

In response to the hegemony of the terrorist group «Islamic State» in the region, the international community is coalescing<sup>2</sup> to conduct air strikes starting in August 2014. They succeed in slowing down and then weakening the influence of the terrorist group «Islamic State».

These air strikes will result, for the terrorist group «Islamic State» by the necessity to rely on two new axes: internationalization and revenge.

#### IV. PARTICIPATION OF FOREIGNERS IN LOCAL CONFLICTS

Among the first Westerners, the accused Osama ATAR, left in 2003, officially «to follow an Arabic language training in Syria». He was arrested in Iraq in February 2005 and sentenced on 27 February 2007 by the Central Criminal Court of Iraq to a life sentence for illegal access to the territory. The sentence was later commuted to 10 years in prison. He is suspected of having been a member of the

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<sup>2</sup> Coalition initially composed by the USA, France, Great Britain, Australia, Canada, Denmark, the Netherlands, Belgium, and then joined by Jordan, Saudi Arabia, Bahrain, Qatar and the United Emirates.

«Abu Yasir» group, which at the time was part of the Al Qaeda movement and opposed the international coalition in Iraq. He reportedly fought in the Fallujah region in the north of the country.

He was detained under American surveillance in Baghdad and imprisoned until 2012 in the prisons of Abu Ghraib, Camp Cropper and Camp Bucca. At the same time, Abou Mohammad AL JOULANI and Abou Bakr EL BAGHDADI were also imprisoned in these prisons, described by the specialists as «true nurseries of jihadists».

At the time of the insurrection of the opponents against Bashar EL ASSAD, many European residents, mostly young people, go to the Sham at the end of 2012, where they gather according to their linguistic connections.

At that time in Belgium, several channels borrowed by candidates for armed jihad already exist. Unfortunately, they will not be identified until later.

Before leaving several young people attend groups like «Sharia 4 Belgium» created in 2010 by Fouad BELKACEM, associations like «Help the poor» or «Restos du Tawhid» or charismatic and radical individuals who preach in certain mosques, like the Loqman mosque on Ransfort Street in Molenbeek-Saint-Jean.

Thanks to these groups, they secretly attend radical sermons and can have access to selected documentation that will reinforce their common ideological vision, focused on the «global jihad»: the establishment, through terror and violence, a state based on the teachings of the Sharia, regardless of the country (Afghanistan, Somalia, Syria, Iraq, Mali, Libya etc...).

In Brussels, these young candidates for armed jihad gather for physical training in sports halls (for example the «Queensbury» gym in Schaerbeek). They also take courses in religious doctrine or Arabic. They participate in various activities such as demonstrations in Antwerp or Brussels (such as the one held in front of the Myanmar embassy).

Departures to Syria are clandestine and often take place without the families' knowledge.

Once there, these young people join small units (such as «Maglis Shura al Mujahidin<sup>3</sup>»), where they receive religious, physical and military training and, for those who wish, more advanced training in the manufacture of explosives or the execution of suicide actions. For them, death «on the path of Allah» is considered the supreme reward, a gift of Allah, granting to those who encounter it the assurance of paradise.

Bilal EL MAKHOUKHI <sup>4</sup>, Najim LAACHRAOUI <sup>5</sup> and Soulaïmane ABRINI (brother of Mohamed ABRINI <sup>6</sup>) left Belgium in October 2012 and February 2013 respectively to join Syria in this specific context.:

## V. SEPTEMBER 2014. CHANGE OF STRATEGY OF THE ISLAMIC STATE GROUP

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<sup>3</sup> The «Emigres Battalion» was absorbed by Jabhat al-Nusra, then, for a majority of its members, by the terrorist group the Islamic State.

<sup>4</sup> MAKHOUKHI was sentenced to five years for his participation in the activities of a terrorist group (Trib. Corr. Antwerp, 11 February 2015, MOD 14, C8, SF1, 25 and translation 26

<sup>5</sup> Najim LAACHRAOUI was sentenced by default to a sentence of 5 years for his participation in the activities of a terrorist group (Trib. Corr. Brussels 3 May 2016, MOD 14, C8, SF1, 19).

<sup>6</sup> Soulaïmane ABRINI was sentenced by default by the Brussels Correctional Court to 5 years in prison for his participation in the activities of a terrorist group (Trib. Corr. Brussels 1 March 2018).

The intervention of the international coalition in Syria and the multiplication of controls in Europe make the departure of young people to Syria more difficult and more dangerous.

The Western bombings also put the Islamic State organisation - theologically speaking - in a position of 'defensive jihad' since the integrity of the caliphate's territory was attacked.

In this configuration, armed jihad becomes an individual obligation for the followers of the terrorist group "Islamic State".

In September 2014, spokesman Abu Mohammed AL ADNANI, promoted "Director of External Operations" of the terrorist group "Islamic State", issued a statement calling on all those who share his doctrine to carry out terrorist attacks and murders in the countries in which they are located.<sup>7</sup>

In the summer of 2015, while the airstrikes had convinced many Syrians to leave their country to immigrate to Europe, many ISIS operatives are merging among the migrants. Many of them managed to reach the West.

## **CHAPTER II: THE SITUATION IN EUROPE AND PARTICULARLY FRANCE IN THE FACE OF THE ISLAMIC STATE TERRORIST GROUP**

As an important member of the international coalition, having seen several of its nationals join the terrorist group «Islamic State», France becomes one of the targets chosen by the group to change, by force, the European international policy.

In this context, in addition to the terrorist attack of the Jewish Museum committed in Brussels on 24 May 2014 by Mehdi NEMMOUCHE<sup>8</sup>, the terrorist attacks of «Charlie Hebdo» and the kosher supermarket on 7 January 2015 committed by the brothers KOUACHI and Amedy COULIBALY, and the Thalys terrorist attack attempted by Ayoub EL KHAZZANI on 21 August 2015.

Several individuals<sup>9</sup> quickly trained in Syria, are sent back to their countries to carry out attacks. The testimonies of AIT EL KAID Abdelghalil and Reda HAME confirm this: after a very short period in Syria (May-June 2015) and very basic military training, they were sent back to Europe to await instructions for action.

The case of Reda KRIKET<sup>10</sup> is illustrative: it leaves for Syria in the last quarter of 2014. He was arrested in Argenteuil on 24 March 2016 while he and others are busy preparing for a violent action in Paris<sup>11</sup>.

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<sup>7</sup> PV 21323/19, MOD 15, C30, SF1,13

<sup>8</sup> Regarded as the first attack in the West by this terrorist group.

<sup>9</sup> such as Reda HAME, AIT EL KAID Abdelghalil, Reda KRIKET, Sid Ahmed GHLAM,...

<sup>10</sup> Sentenced to 10 years imprisonment by the Brussels Correctional Court on 29 July 2015 (case in which ABAAOUD and AKROUH will also be sentenced)

<sup>11</sup> With regard to Reda KRIKET, the French investigating judge HERBAUT specifies that this cell was obviously preparing to commit an attack. Several of its members were jihad veterans. Links were made to the Islamic State terrorist group's external operations unit and several audio messages found in the computer on Max Roos Street referring to another team, the «brothers of France», made it possible to understand that this group was piloted from Syria by the same structure that supervised the attacks in Paris and Brussels (Order of Requalification, Partial Dismissal and Indictment before the specially composed Assize Court of 16 March 2020, p. 102 (MOD19, C2, 21)

The attack committed in Paris on November 13, 2015, and the one committed in Brussels on March 22, 2016, also appear to be part of a terrorist process that will be responsible for several attacks claimed by the Islamic State in Europe.

Volunteer candidates are selected and prepared to return to Europe to complete a mission. They receive fake passports, money, information about smugglers to contact to cross borders. They are accompanied by people who have lived in Belgium.

After having clandestinely crossed Europe during the summer of 2015, they arrived in Belgium, where they are hidden in different hideouts for the time to organize, manufacture explosives, assemble them in «I.E.D. »<sup>12</sup>, buy weapons and coordinate.

The terrorist cell selects different targets. After having clandestinely housed in various conspiratorial apartments, the perpetrators of the attacks of November 13, 2015 go to Paris in what Mohamed ABRINI calls the «convoy of death», meticulously organized.

According to the ordinance of the French investigating judge HERBAUT<sup>13</sup>, on the evening of Friday, November 13, 2015, three teams attacked different places in the Paris region:

- The first team, composed of Bilal HADFI and two Iraqis using fake Syrian passports named Ahmad AL MOHAMMAD and Mohamad ALMAHMOD detonated their explosive belts near the Stade de France in Saint Denis, during the football match between France and Germany.
- The second (composed of Belgian nationals Abdel Hamid ABAAOUD and Chakib AKROUH and French national Brahim ABDESLAM, brother of Salah ABDESLAM), on board a black Seat Leon. He was gunning down three restaurant terraces in the Paris district, before Brahim ABDESLAM committed a suicide attack, by setting off his explosive belt in a nearby establishment, while Abdel Hamid ABAAOUD and Chakib AKROUH were able to run away.
- They will be located and «neutralized» during the police intervention on the night of 17 to 18 November 2015 in Saint-Denis in the Paris region.
- The third (composed of the French Sarny AMIMOUR, Ismaël Omar MOSTEFAI, and Foued MOHAMED AGGAD) was introduced, in the middle of a concert, in the concert hall of the Bataclan. The attackers shot the crowd, then took hostages, before being killed during a police intervention.
- On the same day, a fourth team consisting of two men travelling under the names of Samir SAKRIE and Amine CHOUKRI, corresponding to the false Belgian identities of Osama KRAYEM and Sofien AYARI, left Brussels by Eurolines bus at 11:15 am and arrived in Amsterdam at 2:30 pm. Their tickets had been purchased the day before at 3:34 p.m. at the Gare du Nord in Brussels and paid in cash. The bus in which they took place is checked at the entrance to the Dutch territory, without anything suspicious being mentioned. The two men returned to Brussels the same day by bus from Amsterdam at 8:30 pm.

Despite research in the Netherlands, no other data could be collected on what they had done in the Netherlands. Only Osama KRAYEM finally gave explanations and indicated that he went alone to the airport of Schiphol (Amsterdam), while his friend was waiting for him in a hotel, to search, at the request of Ibrahim EL BAKRAOUI, the existence of lockers or lockers

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<sup>12</sup> Improvised explosive Devices (engins explosifs improvisés)

<sup>13</sup> Ordinance of Requalification, Partial Dismissal and Indictment before the specially composed Assize Court of 16 March 2020, p. 11. (MOD19, C2, 21)

of a large volume, opening with a key or a code. He added that they had both traveled with bags in order not to attract attention.

Osama KRAYEM's evolutionary statements and Sofien AYARI's silence on this surprising move were similar to the sub-folder «Schiphol group», classified in the main file «13 November», which existence is found in the computer found in the Max Roosstreet, 14.<sup>14</sup>

All of these people had been to Syria in the months or years before this event.

The investigation into the attacks in Paris shows that the perpetrators of the attacks in Paris stayed in Belgium before going to France; and that they were helped in Belgium by several persons<sup>15</sup>

### **CHAPTER I: THE SITUATION IN BELGIUM AFTER THE PARIS ATTACKS**

In the weeks and months following 13 November 2015, several suspects were identified and sought after:

- Forced to flee, Mohamed ABRINI and Salah ABDESLAM take refuge in hiding.
- On 26 November 2015, Mohamed BAKKALI was arrested. He is suspected in particular of having rented several conspiratorial apartments and of having conveyed the suicide bombers.
- On 4 December 2015, the press published a search warrant and distributed photos of the so-called Soufiane KAYAL (alias Najim LAACHRAOUI) and Samir BOUZID (alias Mohamed BELKAID) <sup>16</sup>, identified as probable coordinators of the Paris attacks.
- On 5 January 2016, the press revealed how «BOUZID» and «KAYAL» coordinated the attacks in Paris from Brussels. <sup>17</sup>
- On 15 March 2016, during a search in one of the apartments located on rue du Dries in Forest, the police were met with heavy gunfire and investigators narrowly escaped death. On the occasion of the shooting, Mohamed BELKAID died. Sofien AYARI and Salah ABDESLAM fled after taking part in these exchanges of fire. They were arrested on 18 March 2016.
- On 16 March 2016, Press <sup>18</sup>reported on the shooting on rue du Dries, headlined: «Here are the two terrorists who caused panic in Brussels». In doing so, they reveal the trail of the brothers Ibrahim and Khalid EL BAKRAOUI, and reveal their names and photos.
- On March 18, 2016, the press complemented its information by titling «the real role of the brothers EL BAKRAOUI», linking them to the attacks in Paris.
- On 21 March 2016, the real name of Najim LAACHRAOUI, previously known to the public under the sole false name of Soufiane KAYAL, was published in Press <sup>19</sup>at the request of the

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<sup>14</sup> see below

<sup>15</sup> The file opened in Belgium concerning the Paris attacks bears the number of notices FD35.98.356/15, noted below "B-PARIS" (ref. J.I. Panou 155/15). It was directed by an investigating magistrate other than those designated for this case. Several minutes from this other proceeding have been attached to this file.

<sup>16</sup> V 11874/19 (MOD 15, C26, SF2, 56)

<sup>17</sup> PV 11874/19 (MOD 15, C26, SF2, 56)

<sup>18</sup> PV 26158/16 (MOD15, C8, SF1, 36)

<sup>19</sup> See PV 11874/19 (MOD 15, C26, SF2, 56) et PV 004713/19 (MOD15, C26, SF2, 22)



judicial authorities. He is associated with that of Samir BOUZID, a false name used by BELKAÏD Mohamed.

- These events precipitated the creation of the Brussels Attacks Commission: Having been identified in the open and fearing to be arrested in their turn, (...«the noose tightened» says Mohamed ABRINI<sup>20</sup>) the surviving members of the newly reformed terrorist cell following the attacks in Paris, decide to act on March 22, 2016.

### **TITLE III: THE FACTS AND THEIR CONTESTATIONS**

#### **CHAPTER I: THE OCCURRENCE OF THE FACTS<sup>20</sup>**

It follows from the totality of the elements of the investigation and the evidence gathered that the facts of the proceedings can be summarized as follows:

##### **I. TWO EXPLOSIONS IN ZAVENTEM<sup>21</sup>**

On March 22, 2016, at approximately 7:58 a.m., a suicide bomber detonated the pipe bomb which he carried in a bag placed on a trolley in the former departure hall of the Low Cost Terminal at the baggage check-in counter number 11 of the DELTA AIRLINES company.

Eleven seconds after this first explosion, a second explosion occurred at the other end of the airport in the departure hall of the new airport building, at the «Diamant» zone point, terminal A and baggage check-in counters of the SN Brussels Airlines row 5. A second suicide bomber set off the prepared bomb on his trolley.

The Federal Police Commissioner of Hal-Vilvoorde is notified at 8:08 a.m. by the Flemish Brabant Communication Centre. He immediately proceeded to the scene.

On the spot, the chaos is total. Several people were killed and hundreds injured, and the medical services were working to help them. Several people are pulled out of the rubble and lie on the public highway. Others get out by their own means or with the assistance of other victims and the military or the rescue services. The fire brigade, notably from the airport, as well as the neighbouring fire brigades and the civil protection services, are on the spot and are busy treating the injured, who are directed, depending on their injuries, to various hospitals in the area.

Sixteen people died in these explosions.

In view of the seriousness of the events, the regional disaster plan was activated<sup>22</sup> and the provincial phase of the General Emergency and Intervention Plan was triggered<sup>23</sup>.

There was also considerable material damage to the infrastructure of the airport building. building. Windows - and sometimes the windows themselves - were destroyed.

<sup>20</sup> PV initial HV.35.F3.102286/16, MOD 6, C4, SF6, 1

<sup>21</sup> PV initial HV.35.F3.102286/16, MOD 6, C4, SF6, 1

<sup>22</sup> PV 013929/16 (MOD3, C5, SF1, 37B)

<sup>23</sup> PV 30258/16, (MOD 15, C 10, SF2, 8)

As the building The building was not secured at the time, so there was a risk of collapse and the premises were and the premises were quickly evacuated.

Focusing on the available video footage, investigators trace a trio of men, each pushing a trolley with an overnight bag on it, entering the airport at 7.34 a.m. One of them (suspect 3) was wearing a hat. The study of the images allows them to trace the actions of the trio:

(see pic on page 14)

The investigators saw the three suspects consulting the timetable, strolling down the departure aisle and taking a drink at the Délifrance. One of them opens each of the three bags in turn. They coordinate and separate. The one who will be identified as Ibrahim EL BAKRAOUI heads towards row 11 pushing his trolley. The first explosion takes place in this area at 07:58 hours.

When the explosion occurred, the man in the hat, later identified as Mohamed ABRINI, was startled, abandoned his trolley at row "8" of the check-in area, near the "Délifrance" bakery. He moves aside, takes refuge against a wall and covers his ears with the obvious desire to avoid possible injuries from the second explosion which he knew was imminent.

Meanwhile, the person who will be identified as Najim LAACHRAOUI appears on the camera in row 6. He runs with the people fleeing at the other end of the departure hall and detonates his bomb 11 seconds after the first one, in the area known as the 'Diamond' area and row 5 of the Brussels Airlines check-in desks.

After the second explosion, the man with the hat Mohamed ABRINI fled towards the exit of the airport through the departure hall towards the Sheraton Hotel and left the scene. through the departure hall towards the Sheraton Hotel and leaves the premises on foot through gate C.

By analysing the video footage, the investigators discovered that on the third trolley abandoned by the man in the hat, a bag similar to the other two, which could also contain a bomb.

The entire airport building was evacuated again at around 12 : 10 AM.

The army's Explosive Device Removal and Destruction Service (SEDEE), dispatched on the spot, confirms the presence of an improvised explosive device that it will try in vain to defuse.

The third IED explodes at 1:56 p.m. without casualties but creates very significant material damage in the departure lobby, at the AVIA PARTNER baggage check-in counter in the middle of the corridor between the Jet Airways counter and the Délifrance terrace (Zone 8).

## **II. AN EXPLOSION IN THE UNDERGROUND RAILWAY SYSTEM<sup>24</sup>**

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<sup>24</sup> PV initial BR.48.FC.2375/16 (MOD6, CI, SF 6,1)

On the same day, around 9:10 a.m., a powerful explosion occurred in the second car of a metro leaving Brussels' Maelbeek station in the direction of the city centre.

A suicide bomber later identified as Khalid EL BAKRAOUI detonated the explosive charge placed in his backpack.

Here too, the confusion is complete: the initial minutes recount the facts and describe the first moments: «the windows of the different trains are broken», «a strong smell of burnt and dusty», «a firefighter holds in his arms a bloody baby»

Emergency services are working to evacuate the victims and dispatch them, by ambulance and bus, to hospitals in the Brussels region. The army's demining service is also called to the scene and undertakes searches. The military is coming to help set up exclusion zones. Nearby streets and Maelbeek and Arts-Loi stations are closed and evacuated.

On the Maelbeek site there are 16 fatalities and dozens of wounded. Several victims have blast mutilation lesions, multiple projectile lesions, or burns to the skin.

All those present on the platforms of the Maelbeek metro station at the time of the incident were the targets of this attack.

## **CHAPTER II: THE POLICE FINDINGS**

### **I. THE FINDINGS IN ZAVENTEM**

#### **1. First Responders**

As soon as it is notified, the Federal Judicial Police in Hal-Vilvoorde<sup>25</sup> contacts the crisis centre at the airport to monitor the situation and to wait for reinforcements.<sup>26</sup>

On the spot, several teams of technical and scientific police<sup>27</sup> laboratories are working with the help of the «research division 6»<sup>28</sup>, 15 of the Federal Police of Brussels.

At 8:20 am, Judicial Police Officer Karel VASTESAEGER (FJP of Brussels) went on site with the FJP of Hal-Vilvoorde to assess the situation. He is accompanied by several commissioners responsible for the coordination of judicial operations and technical police activities.<sup>29</sup>

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<sup>25</sup> Below noted Federal Judicial Police - FJP

<sup>26</sup> Faced with the scope of the task and with the aim of freeing up the premises as soon as possible, the PJF of Antwerp, Mons, Liège, East Flanders, and the central units of the Federal Police also participated in the first findings

<sup>27</sup> Below noted L.P.T.S

<sup>28</sup> Research Directorate 6 (hereinafter 'DR6'), the 'Homicide Section', is the Federal Judicial Police Unit which is most accustomed to going down on criminal facts.

<sup>29</sup> P V 013929/16 (MOD 3, c 5, SF1, 37B

At 0940, the Mine Action Department conducted a sweep of the departure lobby to secure the scene <sup>30</sup>before the members of the LPTS and DVI <sup>31</sup> could enter to conduct their surveys and findings. The terminal was declared safe for the first time at 11:09 a.m.

At 10:40 am, the Federal Prosecutor's Office definitively entrusts the investigation to the «Research Directorate 3»<sup>32</sup> of the PJF of Brussels, and assigns the OPJ Kris MEERT<sup>33</sup> to investigate the facts committed in Zaventem.

## 2. The first findings on the spot

The work of multidisciplinary teams <sup>34</sup>has been divided into various zones, including those in which the explosions took place.

(see picture p .14)

### a) Area 11 where the first bomb explodes

This area, located in the former departure hall, includes Delta Airlines baggage check-in counters to the United States. There is also a children's recreation area.

The first bomb explodes at baggage check-in counters 11, 12 and 14.

This place is totally devastated. A wall has collapsed. The ceiling covers are blown and fall to the ground. The walls are blackened, pieces of infrastructure and doors are torn away. Debris, baggage, human objects and fragments cover the ground.

The bodies of seven people were found in this area. They were severely burned, partially stripped and seriously injured.

In the centre of this area, the shredded corpse of the first suicide bomber is discovered. This man «whose body is largely naked and burned» <sup>35</sup>is identified by the fingerprints taken from the remaining fingers as Ibrahim EL BAKRAOUI born on October 9, 1986. Near him, a MOBIB card was found<sup>36</sup>.

At the place where his bomb exploded, a crater measuring 1.4 metres by 1.2 metres is visible<sup>37</sup>. The reinforced concrete floor is pierced. A dummy grenade was also

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<sup>30</sup> See Army Explosive Device Removal and Destruction Service Technical Report (noted below the "SEDEE"), (MOD7, C6, SF4)

<sup>31</sup> The DVI, the «Disaster Victim Identification» team, is responsible, in disasters, for identifying the deceased persons who are difficult to identify or unable to identify at all.

<sup>32</sup> DR3 is the counter-terrorism unit of the PJF in Brussels. From now on, it will be responsible for all of the investigation.

<sup>33</sup> After the investigation was taken over by the Federal Prosecutor's Office.

<sup>34</sup> which also include a "pool" of medical examiners coordinated by Dr. Wim DEVELTER. Their findings are discussed in PV 014184/16 (MOD 5, CI, SF2, 1) and PV 016817/16 (MOD 4, C20, SF1, 3).

<sup>35</sup> PV 20979/16 (MOD5, CI, SF2, 3)

<sup>36</sup> PV 013801/16 (MOD4, C30, SF1,1)

<sup>37</sup> According to the report of SEDEE (MOD7, C6, SF4,1)

discovered as well as a fully destroyed revolver-type handgun containing 5 more 22-calibre cartridges.

In this area as in others, hundreds of bolts, nuts, metal fragments, pieces of electrical cables as well as multiple pieces of electronic parts are found scattered on the ground.

Hundreds of impacts are noted in the walls, air conditioning nozzles, chairs, luggage as well as on the furniture present. Multiple objects abandoned by the victims, human tissue, broken bones or dislocated limbs litter the ground.

As in each area of the departure hall, all these elements are sorted, inventoried and dispatched. Exhibits are seized and centralized for analysis by the HPTA before being filed at the Registry.

Adelma TAPIA RUIZ, André ADAM, Stephanie, SHULTS-MOORE<sup>38</sup>, Justin SHULTS, Bruce BALDWIN, Bart MIGOM, Sascha PINCZOWSKI, Alexander PINCZOWSKI, Rosario VALCKE, Jennifer SCINTU-WAETZMANN<sup>39</sup> and Elita WEAH lost their lives in this area.

b) The "Zone 4" in which the second bomb explodes

Located at the other end of the new terminal in the departure room, this area includes baggage check-in counters 1 to 6 (including Brussels Airlines) and extends to the «diamond», a sort of huge «bow window» in which are the escalators and elevators that lead to the arrival's hall and the railway station.

This area is also completely destroyed. The ceiling slabs and insulation material collapsed on the floor or hung from the ceiling, requiring prior securing. In addition, the premises are flooded following the start of the watering automatic.

Luggage, debris and infrastructure are scattered throughout the departure lobby. Fragments of metal, hundreds of nuts and bolts were found in the furthest corners of the departure hall and in the bodies of the victims.

Projection impacts are visible at different heights on the walls, doors and on the entire infrastructure of the area, sometimes inlaid in a very deep way. Some dispersed metal fragments have a reddish colour<sup>40</sup>.

The bomb exploded about a meter and a half in front of the bronze statue "Flight in Mind" and more or less 3, 70 meters on the right side of it. On the ground, there is no real crater, but there is clearly an elliptical zone of 1.2 metres by 1.4 metres corresponding to the footprint left by the blast and fragmentation of the bomb.

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<sup>38</sup> The bodies of the first three mentioned were moved by the emergency services from Zone 11 to Zone A where their death has been recorded.

<sup>39</sup> Erroneously named 'WAETZMANNSCINTU' in the Body Taking Case.

<sup>40</sup> The investigation reveals (cfr. infra) that these are fragments of the Brabantia brand containers/bins that the authors placed in their bags to contain the IED. cfr. PV 30258/16 translating PV 20979/16 page 38 (MOD15, CIO, SF2, 8).

The completely dislocated corpse of a suicide bomber lies near the ATMs located between counters 5 and 6. The corpse is covered with pieces of slabs and insulation material that fell from the ceiling. In a pocket of what remains of his pants, we find a Belgian identity card in the name of David OLIVE SERRA born on January 20, 1990. This name turns out to be the alias used by Najim LAACHRAOUI<sup>41</sup>. Two fingers are found near the suicide bomber's body. Their fingerprints match those of Najim LAACHRAOUI<sup>42</sup>. At the height of the statue and row 4, we find a pistol of the brand CRVENA ZASTAVA of calibre 7.65<sup>43</sup>. This weapon was loaded at the time of the explosion.

Splashes of blood and bodily fluids are visible on several walls and on the billboard above counter 5. A hip covered with pieces of clothing is discovered in the same place, projected behind a balustrade<sup>44</sup>. Hundreds of human fragments are also found.

Berit VIKTORSSON, Nie COOPMAN, Fabienne VANSTEENKISTE, Jingquan DENG<sup>45</sup> and Gail<sup>46</sup>, MARTINEZ<sup>47</sup> die in this area as a result of this second explosion<sup>48</sup>.

c) The localisation of a third bomb in "Zone 8"

In this area 8 is discovered the third bomb, placed on the trolley abandoned in the entrance hall by the man with the hat.

Using X-ray analysis, SEDEE confirms the presence of an IED inside the bag.

Its explosion also caused unspeakable devastation around the recording counters 8 and 10 and the Délifrance store: tearing down ceiling plates, flooding and countless impacts on the surrounding infrastructure. Bolts and nuts of different sizes and lengths were projected on all sides.

The findings of the scene continued until Friday, March 25, 2016, when the departure terminal was released in the afternoon.<sup>49</sup>

II. THE FINDINGS IN MAELBEEK

1. First Responders

Arrived at 9:15 am, the railway police was the first on site<sup>50</sup>. The firefighters arrived in turn and confirmed the evacuation of the station pending the securing of the premises.

<sup>41</sup> We will see that Najim LAACHRAOUI uses the false name of SERRA to order a taxi from Max Roos Street (cf. infra).

<sup>42</sup> Which was copied in Serbia under the false name of Taqmaq MHDFAWZI (PV 036427/21, MOD21, C3, 48C).

<sup>43</sup> PV30258/16 (MOD15, C10, SF2, 8) and its translation : PV 20979/16 (MOD14, C13, SF1, 29)

<sup>44</sup> PV 20979/16 (MOD5, C1, SF2, 3) and its translation (MOD 14, C13, 29)

<sup>45</sup> He died at the university hospital in Jette where he had been taken (PV 106191/16, MOD3, C9, SF1, 24)

<sup>46</sup> Erroneously named 'Gail' in the indictment for taking the body.

<sup>47</sup> The latter will finally die at the advanced medical station, where he was taken.

<sup>48</sup> 8 PV 20979/16, MOD 14, C13, SF1, 29

<sup>49</sup> PV 20979/16, MOD 14, C13, SF1, 29

<sup>50</sup> PVI BR48.FC.2375/16



The security perimeter, including the entire station, and the judicial exclusion perimeter, at the docks, is immediately set up.

The Army Demining Service (SEDEE) quickly arrived on-site and began a thorough examination of the site at 10:00 a.m. No other bombs were found on site.

The Federal Prosecutor's Office entrusts the investigation to the «DR3»<sup>51</sup> of the PJF of Brussels. The investigator is the OPJ Laurent MEGANK<sup>52</sup>. The management of the crime scene and coordination with the LPTS is entrusted to Commissioner Nathalie BARTHEL.

## **2. The first findings on the site**

The glass doors of the station «Maelbeek» are broken. The smoke reaches several floors.

Extensive damage was observed throughout the station. The site was covered with dust and soot. Some structural elements or furniture are damaged by the blast and blast effect of the explosion. Plaster blocks have collapsed and debris is scattered throughout the stairs.

In the second basement, at the subway platforms, there is a strong smell of "burnt" and "dust".

On the platform towards the city center and the Arts-Loi station, a train consisting of four carriages is immobilised. The first car is in the tunnel

Given the configuration of the site and the nature of the explosion, a grid has been established to delineate the impacted areas and facilitate the findings.

[please see pic page 21 in original version].

The bomb exploded in zone B2, creating a <sup>53</sup>crater of about 1, 70 meters by 1, 10 meters, on a depth of 15 centimetres.

The second car is completely destroyed, its structure is gutted, its doors are partially torn off, the windows have disappeared, and several electrical cables are hanging.

Human bodies and fragments are found there. Based on the damage visible from the outside, the explosion appears to have occurred in the back of the second car.

The station's two platforms are littered with objects, various fragments, debris and ash. Bodies were blown between the rail and the space under the dock.

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<sup>51</sup> Several teams from the "DR1" ("assaults section") and the "DR6" ("homicide section") of the Brussels PJF are sent to reinforce the "DR3". In addition, other JPFs (Charleroi, Liège, Nivelles, Antwerp and Turnhout) also supported the findings.

<sup>52</sup> Succeeded by OPJ Aline DELISEE in January 2018.

<sup>53</sup> PV 18179/16, MOD 4, C25, SF5, 5

Over the entire length of the dock, countless nuts and pieces of metal or pieces of electrical wire are scattered on the ground, mixed with pieces of smaller entities that can be found up to the height of the fourth car.

The station ceiling at the docks was damaged.

The blast caused damage to the very structure of the walls, as exploded tiles and cracks. Various safety glass panels were sprayed. As an example of the importance of deflagration: in the «Loi» car park adjoining the Metro station, the blast of the explosion in the train set caused two brick walls to collapse adjoining the metro station and the opposite wall <sup>54</sup>.

Under the platform opposite the train, there are two entangled bodies of people ejected from the metro train during the explosion. A stroller is overturned on the tracks. The dead people are on the dock and in the second car which contains almost only shredded body parts.

There are splashes of blood and flesh on the sign indicating the arrivals of the metro trains.

Next to a trash can, at the junction between the second and third cars, investigators discover a head, a straight leg and two forearms of a man with blond or red hair. Dark glasses were found near the head. Fingerprints on the fingers identify the suicide bomber as Khalid EL BAKRAOUI<sup>55</sup>.

A push button fell on the platform, while the remains of the KARIMOR backpack worn by Khalid EL BAKRAOUI are found in the train.

Multidisciplinary teams consisting of medical examiners<sup>56</sup>, investigators from DR6, DVI and SEDEE are responsible for analyzing the entire crime scene. The bodies and human fragments are then transferred to the Neder-Over Hembeek Military Hospital, designated as a temporary morgue and autopsy site.

Once the findings are completed, and the seizures made, the premises are returned to STIB on 24 March 2016<sup>57</sup>, while the metro train is sealed and stored in a secure hangar, where it is still maintained.<sup>58</sup>

My ATLEGRIM<sup>59</sup>, Aline BASTIN, Yves CIBUABUA CIYOMBO, Mélanie DEFIZE, Olivier DELESPESE, David DIXON, Sabrina ESMAEL FAZAL<sup>60</sup>, Raghavendran GANESHAN, Léopold HECHT, Loubna LAFQUIRI, Gilles LAURENT, Marie LECAILLE, Jamina

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<sup>54</sup> PV 13033/16, MOD 6, CI, SF9, 9

<sup>55</sup> PV 013106/16, MOD 6, CI, SF9, 26

<sup>56</sup> The Medical Examiner's Raid was reported on May 2, 2016 (MOD7, C5, SF19, 3)

<sup>57</sup> PV 13916/16, MOD 6, C3, SF2, 2

<sup>58</sup> PV 002413/16 (MOD 6, C3, SF1, 4) and PV 006490/21(MOD21, CI, 4)

<sup>59</sup> Erroneously referred to as 'ATLEGRIM MY Sofia' in the Body Taking Case

<sup>60</sup> Erroneously referred to as 'FAZAL ESMALÉ' in the Body Taking Case

PANASEWICZ, Patricia RIZZO, Johan VAN STEEN and Lauriane<sup>61</sup> VISART of BOCARME lost their lives following the explosion at Maelbeek station.

### 3. Reconstruction of the journey of the author of the explosion

All video images available on both the STIB network and the surrounding streets are captured and analyzed in an emergency<sup>62</sup>.

The first images of the Maelbeek station make it possible to distinguish the suspicious behavior of a man (identified as Khalid EL BAKRAOUI) who change subway, going from the third to the second car (the one that will explode a few seconds later) while carrying a backpack<sup>63</sup>.

The other images captured by the surveillance cameras of the train and the stations crossed confirm the suspicious character of this man's behaviour throughout his journey<sup>64</sup>. He is carrying a purple backpack with pink strings, obviously a heavy Karimor brand. He is dressed in a blue quilted jacket, blue jeans, blue or dark grey shoes.

He has blond or red hair cut short and leaving the forehead visible. He wears dark glasses.

His journey in the metro is reconstituted and can be summarized as follows:

At 8:48 a.m., the person identified as Khalid EL BAKRAOUI goes to the ATM outside the entrance of the Pétillon station to take a ticket. A second person also carries an identical backpack<sup>65</sup>, and joins him. They discuss together and then they part way. One goes back to the Boulevard Louis Schmidt while the other enters the metro in the direction of the station Hermann-Debroux<sup>66</sup>.

[see picture on original version, page 23]

Several times, he changes cars. Arriving at Beaulieu station, the suspect leaves the metro to head in the opposite direction towards the centre this time. He gets into the third car. His bag seems heavy, the straps slip. On several occasions, he jumps to place them correctly on his shoulders.

When the metro arrives at Maelbeek station, the suspect gets off on the platform, runs along with the metro towards the front, and enters the second car. At 9:10 a.m.,

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<sup>61</sup> Erroneously referred to as 'Laurianne' in the Body Taking Case

<sup>62</sup> We shall limit ourselves here to exposing the images within the STIB network. We will further exploit the images collected outside the STIB network

<sup>63</sup> PV 13040/16 (MOD6, CI, SF9, 19)

<sup>64</sup> PV 13047/16 (MOD 6, CI, SF9, 21)

<sup>65</sup> PV 13040/16 (MOD6, CI, SF9, 19)

<sup>66</sup> The picture is taken from PV 13047/16, MOD6, CI, SF9, 21

the metro set in motion again. The explosion took place at the gate through which Khalid EL BAKRAOUI entered.<sup>67</sup>

### **CHAPTER III: VICTIMS**

Terrorism is characterized by blind and indiscriminate violence for the purpose of sowing terror among a population. Human targets are taken at random to achieve a political objective.

The attacks in Brussels on 22 March 2016 deliberately targeted high-traffic areas with an important international dimension.

All the people present at the scene are the direct victims.

This indictment is limited to listing the names of those who lost their lives at both crime scenes. We voluntarily decided not to multiply the details or address the particular circumstances of their last moments.

None of them were targeted for what he/she was, but because he/she was in the wrong place at the wrong time.

The names of the people who were in the perimeter targeted by the perpetrators of the attacks are mentioned in our closing statement of reference to the criminal court. These are the people who were present in Zaventem in the departure hall as well as those who, in Maelbeek, were in the trainset or on the platform of the metro station.

Indeed, the explosion and the metal fragments, the nuts, the bolts that were thrown in all directions were likely to reach them and kill them. This will not, of course, prevent other prejudiced persons from being recognized as victims of the terrorist assassination attempts mentioned in our indictment.<sup>68</sup>

The majority of victims injured during explosions report traumatic blast injuries (mutilations, burns, pulmonary problems, tympanic injuries, etc.) and multiple "projectile injuries" in their hearing.

Many people have had to be hospitalized, sometimes for very long periods of time.

In addition, the majority of those present at the scene had to face an apocalyptic vision that inevitably created significant psychological trauma.

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<sup>67</sup> The recording of the images from the surveillance camera of Car 2 could not capture the images of the suspect's boarding: it is about 15 seconds between the end of the recording and the explosion. Investigators explain this by the fact that "these images were in buffer memory and the explosion prevented them from being written to the device's hard drive" (cfr. PV 13399/16, MOD6, C2, SF1, 9).

<sup>68</sup> That is why we inserted the words "and in particular" before mentioning the victims of the B1 and B2 charges.

All of these effects caused by explosions cannot be described because they are important and personal.

Several forensic doctors appointed by the investigating judges carried out the autopsies of the deceased and wrote a detailed report for each of the victims. These can be summarized as follows: <sup>69</sup>

**I. THE VICTIMS WHO DIED IN ZAVENTEM AS A RESULT OF THE ATTACK COMMITTED ON MARCH 22, 2016**

André ADAM<sup>70</sup> born September 10th, 1936

The death of André ADAM is of cardiac origin due to stress and/or a possible shock wave causing a disorder of the blood circulation (acute reduction of the heart function with fall of the blood pressure). The victim was in any case exposed to the explosion of a bomb, as indicated by the shrapnel found on his body.

Bruce BALDWIN<sup>71</sup> born Auguste 18, 1949

The death of Bruce BALWIN is due to the explosion of a bomb that caused a penetrating craniocerebral and abdominal trauma (by projection of metal objects).

Nic COOPMAN<sup>72</sup> born December 19, 1958

The death of Nic COOPMAN is due to the explosion of a bomb that caused a fatal fracture of the base of the skull with a complete tear of the spinal cord.

Jinguan DENG<sup>73</sup> born April 20, 1990

The death of Jinguan DENG is due to the explosion of a bomb that caused exsanguination by trauma piercing the thigh.

Gail MARTINEZ<sup>74</sup> born June 4th, 1974

The death of Gail MARTINEZ is due to the explosion of a bomb that caused a penetrating craniocerebral trauma to the left temple (and partial amputation of the lower left leg).

Bart MIGOM<sup>75</sup> born December 6, 1994

Bart MIGOM's death is due to the explosion of a bomb that caused penetrating polytrauma, especially in the skull and sternum.

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<sup>69</sup> ...

<sup>70</sup> MOD 7, C5, SF2, 3 (and translation : MOD14, C17, SF2 ;...)

<sup>71</sup> MOD7, C5, SF12, 3 (and translation: MOD14, C17, SF2, 12)

<sup>72</sup> MOD 7 C5, F14, 3 (and translation: MOD14, C17, SF2, 8)

<sup>73</sup> MOD7, C5, SF17, 3 (and translation: MOD14, C17, SF2, 17)

<sup>74</sup> MOD7, C5, SF1, 3 (and translation: MOD14, C17, SF2, 6)

<sup>75</sup> MOD7, C5, SF9, 3 (and translation: MOD14, C17, SF2, 14)

Alexander PINCZOWSKI<sup>76</sup> born Auguste 13, 1986

The death of Alexander PINCZOWSKI is due to the explosion of a bomb that caused a fatal penetrating head and brain trauma.

Sascha PINCZOWSKI<sup>77</sup> born January 25, 1990

Sascha Pinczowski's death was caused by the explosion of a bomb that caused penetrating head and brain trauma, with numerous internal injuries and an open fracture of the right arm.

Jennifer SCINTU-WAETZMANN<sup>78</sup> born January the 9th, 1987

Jennifer SCINTU-WAETZMANN's death was caused by the explosion of a bomb that caused penetrating head and brain trauma.

Justin SHULTS<sup>79</sup> born March 6, 1986

The death of Justin SHULTS is due to the explosion of a bomb that caused a destructive head and brain injury.

Stephanie SHULTS-MOORE<sup>80</sup> born September 17<sup>th</sup>, 1986

The death of Stephanie SHULTS-MOORE is due to the explosion of a bomb that caused fatal penetrating head trauma and polytrauma (bullet-piercing wounds and blast injuries).

Adelma TAPIAS RUIZ<sup>81</sup> born July 18, 1978

The death of Adelma TAPIAS RUIZ is due to the explosion of a bomb that caused projectile injuries on the left side of the neck with section of the jugular veins and carotid artery and subluxation of the cervical spine.

Rosario VALCKE<sup>82</sup> born March 29th, 1952

The death of Rosario VALCKE is due to the explosion of a fragmentation bomb that caused a multiple trauma with fatal perforating brain-cranial trauma.

Fabienne VANSTEENKISTE<sup>83</sup> born January 19th, 1965

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<sup>76</sup> MOD 7, C5, SF8, 3 (and translation : MOD14, C17, SF2, 10)

<sup>77</sup> MOD 7, C5, SF7, 3 (and translation : MOD14, C17, SF2, 18)

<sup>78</sup> MOD7, C5, SF11, 3 (and translation: MOD14, C17, SF2, 15)

<sup>79</sup> MOD7, C5, SF10, 3 (and translation: MOD14, C17, SF2, 13)

<sup>80</sup> MOD 7, C5, SF4, 3 (and translation: MOD14, C17, SF2, 4)

<sup>81</sup> MOD 7, C5, SF3, 3 (and translation: MOD14, C17, SF2, 5)

<sup>82</sup> MOD 7, C5, SF6, 3 (and translation: MOD14, C17, SF2, 11)

<sup>83</sup> MOD7, C5, SF13, 3 (and translation: MOD14, C17, SF2, 7)



The death of Fabienne VANSTEENKISTE is due to the explosion of a bomb that caused a puncture of the small pelvis with fatal hemoperitoneum and blast chest trauma.

Berit VIKTORSSON<sup>84</sup> born March 29th, 1952

The death of Berit VIKTORSSON is due to the explosion of a bomb that caused a destructive head and brain trauma (subtotal decapitation and brain ejection).

Elita WEAH<sup>85</sup> born October 16th, 1975

Elita WEAH's death is due to the explosion of a bomb that caused an almost total amputation of the right leg, fatal. The cause of death was likely a rapid external exsanguination of the right leg wound.

## **II. VICTIMS WHO DIED OF THE EXPLOSION IN THE MAELBEEK<sup>86</sup> METRO STATION**

My ATLEGRIM born April 27, 1985

The death of My ATLEGRIM is the result of an explosion in its vicinity in a closed environment involving significant heat release from overpressure (blast) waves and projectilar screening.

Aline BASTIN born August 3rd, 1986

The death of Aline BASTIN is attributed to head and brain trauma following an impact against a hard object (projection of this part of the body against a hard surface) or resulting from overpressure waves related to explosive blast effects in a closed environment.

Yves CIBUABUA CIYOMBO born July 22nd, 1988

The death of Yves CIBUABUA CIYOMBO is due on the one hand to a blast generated by the explosion and overpressure waves in a closed environment and on the other hand to the projection of the body and elements of its environment.

Multiple metal fragments are scattered throughout the body as a result of a relatively short-range, enclosed explosive phenomenon that occurs when the explosive device is associated with projectiles.

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<sup>84</sup> MOD7, CS, SF15, 3 (and translation : MOD14, C17, SF2, 9)

<sup>85</sup> MOD 7, CS, SF18, 3 (and translation: MOD14, C17, SF2, 16)

<sup>86</sup> A general autopsy report was prepared by the medical examiners: MOD 7, CS, SF20, 5

The severe mutilating lesions observed on the body may suggest that the victim was in a location fairly close to the explosive site.

**Mélanie DEFIZE born October 4th, 1986**

Aortic tear is likely the cause of Melanie DEFIZE's death.

A blast phenomenon with pulmonary involvement is probably also involved in the mechanisms leading to death.

Both thermal lesions, fractures and injuries to the organs show overpressure (blast) waves related to the explosive phenomenon in an open environment, indicating in addition a relative proximity of the victim to the site of the explosion.

**Olivier DELESPESE born June 27th, 1971**

Olivier DELESPESE's death can be considered as the result of multiple projectile puncture wounds and blast injuries resulting from a powerful explosion in a closed environment, in particular, a pulmonary blast.

**David DIXON born March 13th, 1965**

The death of David DIXON resulted from multiple severe traumatic injuries resulting from both overpressure waves associated with a closed-containment explosive blast and a projectile poly-screening from the explosive device. The severity of the lesions and the observation of thermal lesions in the skin lining suggest that the victim was relatively close to the explosive site.

**Sabrina ESMAEL FAZAL born 20 December, 1991**

The immediate death of Sabrina ESMAEL FAZAL is the result of multiple mutilating traumatic injuries mainly on the upper body and attributable to a powerful explosive blast that occurred near her in a closed environment where the projection of many projectiles elements and a secondary projection of the body against other obstacles may have contributed.

**Raghavendran GANESHAN born 14 November 1985**

The death of Raghavendran GANESHAN is the result of severe mutilating injuries related to explosive blast and secondary projection of the body associated with direct projectile injuries generated by an explosion in his vicinity.

**Leopold HECHT born 3 March 1996**

Died at the hospital Erasme. Léopold HECHT is victim of the consequences of an explosion that caused him a pulmonary blast as well as a left

pneumothorax, bruises pulmonary, rib and skull fractures, diffuse cerebral oedema with subarachnoid haemorrhage that could not be controlled resulting in death, despite craniectomy.

**Loubna LAFQUIRI born 14 April 1981**

The death of Loubna LAFQUIRI is the result of multiple traumatic injuries of a mutilating nature following an explosion in her vicinity .

Her body was identified by the comparison of her dental records by experts Dr DE VALK and CREVECOEUR.

**Gilles LAURENT born on 16 September 1969**

The death of Gilles LAURENT is the result of a large puncture wound in the right temporal region of the head, associated with a deep brain penetration of a large metal bolt. These and other more superficial lesions are the results of the impact of projectile elements released by an explosion.

**Marie LECAILLE born 22 June 1947**

Marie LECAILLE's death is the result of a head and facial trauma following an explosion.

**Janina PANASEWICZ born 19 September 1955**

Janina PANASEWICZ's death is mainly due to a blast generated by the explosion and overpressure waves in a closed environment. The projection of the body and elements of its environment may also be the cause of some of the observed traumatic injuries. The presence of multiple metal fragments scattered in the body is part of an explosive phenomenon associated with projectiles, at short distance. Severe mutilating lesions observed on the body may suggest that the The victim was in a location fairly close to the explosive spot.

**Patricia RIZZO born 11 January 1968**

The lesions presented by Patricia RIZZO are due to a blast generated by the explosion and overpressure waves in a closed environment, but also to the projection of the body and elements of its surroundings. The presence of multiple metal fragments scattered in the body is part of another aspect inherent in an explosive phenomenon associated with the use of various projectiles.

The relative preservation of the body in terms of trauma suggests that the body was at a distance from the site of the explosion. It is not excluded that this person was on the dock when the explosive device was activated.

**Johan VAN STEEN born on 10 February 1958**

The death of Johan VAN STEEN is the result of traumatic blast injuries and projectile elements resulting directly from an explosion in a closed environment.

**Lauriane VISART DE BOCARME born 2 August 1987**

Lauriane VISART DE BOCARME's death resulted from multiple severe traumatic injuries following overpressure waves associated with an explosive blast in a closed environment. Multiple visceral punctures were also caused by multiple projectile ribbing from the explosive device. Lesion characteristics (severity, distribution, nature) suggest that the victim was relatively close to the explosive site.

**CHAPTER IV: JUDICIAL AND POLICE AUTHORITIES**

Two separate files were initially opened by the competent public prosecutor's offices for the attacks committed in Zaventem and the one committed at the Maelbeek metro station.

Considering that the attacks committed in Zaventem constituted terrorist offences, the Federal Prosecutor's Office took charge of the facts and asked an investigating judge specialised in terrorism, Mr. DE COSTER, to investigate the case on the grounds of "terrorist assassinations and attempted assassinations and participation in the activities of a terrorist group".<sup>87</sup>

Considering in the same way the acts committed in Maelbeek as terrorist offences, the Federal Prosecutor's Office<sup>88</sup> also requested a specialised investigating judge in terrorism on 22 March 2016 to investigate them on the grounds of "murder and attempted murder by terrorists and participation in the activities of a terrorist group"<sup>89</sup>. Three magistrates were referred to the second case: Ms BERNARDOMENDEZ, Ms GREGOIRE and Mr LEROUX.

As soon as the links between the two attacks became apparent, the Federal Prosecutor's Office considered it necessary, in the interests of the administration of justice, to request the joinder of these two files.

By order of 31 March 2016, the Council Chamber of the Dutch-speaking Court of Brussels court of Brussels granted the request of the federal prosecutor's office and dismissed the judge DE COSTER in view of the connection between the acts committed in Zaventem and those in Maelbeek.

By indictment of the Federal Prosecutor's Office of the same day, the file on the attacks in Zaventem was joined to the present proceedings on the attack in the Metro station station Maelbeek<sup>90</sup>.

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<sup>87</sup> MOD 6, C4, SF6, 7

<sup>88</sup> Under reference number FD35.98.65/16

<sup>89</sup> OD6, CI, SF7, 1

<sup>90</sup> Supplementary submissions after the order of the Council Chamber of 31 March 2016, MOD 14, CI, SF1, 3

The Belgian intelligence services were also asked to provide technical assistance.<sup>91</sup>

## **CHAPTER V: CLAIMING RESPONSIBILITY FOR THE ATTACKS**<sup>92</sup>

The attacks of March 22, 2016 were immediately claimed by the terrorist group "Islamic State".

On March 22, an article was published in Arabic in the magazine «Al Naba» under the title «Islamic State shakes up crusader Europe again: hundreds of dead and wounded because of the martyred operations in Brussels».

On March 24, 2016, this review illustrates the facts through the photograph of the suicide bombers, declares that this is indeed a war against democracy and specifies the criticisms made to Belgium:

- Participating in the war against Islam (under the name of terrorism),
- Participate in the cross-coalition against the Islamic State,
- accede to the European Union and host its permanent seat,
- Being a founding nation of NATO<sup>93</sup>

The text praises the terrorists who carried out the attacks.<sup>94</sup> He claims that the attacks in Brussels are proof of the shortcomings in the security systems of Western countries since Brussels was then under high surveillance.

The news agency of the terrorist group «Islamic State»<sup>95</sup> publishes in English: *"ISIS fighters carried out a series of bombings with belts and explosive devices on Tuesday, targeting an airport and subway station in the center of Brussels, the capital of Belgium, a country that participated in the international coalition against the Islamic State."*

*ISIS fighters opened fire inside the Zaventem airport, then several of them detonated their explosive belts, just as a suicide bomber martyr detonated his explosive belt in the Maelbeek subway station. The attacks have caused more than 230 deaths and injuries»*<sup>96</sup>

This story does not exactly correspond to what happened since, contrary to what the article claims, no weapon was used.<sup>97</sup>

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<sup>91</sup> Letter from the Federal Prosecutor's Office, confirming a verbal decision of 22 March 2016 (MOD 6, C4, SF6, 6)

<sup>92</sup> PV 21323/19 (MOD15, C303, SF1, 13) et 37095/16 (MOD 15, Cil, SF2, 54B) + translation by PV 25908/20 (MOD 15, C31, SF3, 49)

<sup>93</sup> PV 25908/20, MOD15, C31, SF3, 49

<sup>94</sup> In which the kamikazes are called brothers, jihadists, martyrs, soldiers or lions of the Caliphate.

<sup>95</sup> L'Amaq Agency

<sup>96</sup> PV 37095/16 (MOD15, Cil, SF2, 54B), and a translation of the annex by par PV 25908/20 (MOD 15, C31, SF3, 49)

<sup>97</sup> This same erroneous information (the use of an "assault rifle") is taken up by the magazine «Al Naba» in its issue 24 published on Tuesday 29 March 2016

A number of propaganda documents are disseminated about these attacks, both in French and Arabic. In one of them, three Belgian jihadists appear<sup>98</sup>.

The two official magazines, Dabiq (in English) and Dar al-Islam (in French), each published articles in April 2016 on the attacks of 22 March 2016. They also reiterated the same arguments and stressed the economic consequences of attacks on Belgium.

*"The attacks in Brussels are a masterstroke. Beyond the dozens of dead and hundreds injured, the closure of Zaventem airport and the impact on tourism could have disastrous economic consequences."*<sup>99</sup>

Finally, Dabiq magazine gives a glorifying portrait of each of their «knights»: Abu Suleyman al-Baljikj (Ibrahim EL BAKRAOUI), Abu Walid al-Baljikil (Khalid EL BAKRAOUI), Abu Idris al-Baljikil (Najim LAACHRAOUI), and Abu Abdel Aziz al-Jazairi (Mohamed BELKAID), died during the police intervention in Forest on 15 March 2016.

## **CHAPTER VI: THE CONSEQUENCES OF THESE ATTACKS ON THE LEVEL OF THE TERRORIST THREAT**

The chaos created by the attacks of 22 March 2016 has moved the entire Belgian population.

The organization of social life as a whole has been altered.<sup>100</sup> Maximum safety measures have been taken.

The events of 22 March 2016 had an impact on "the general level of threat in Belgium".

Indeed, as of March 22, 2016, the Coordinating Body for Threat Analysis (OCAM<sup>101</sup>) takes the decision to place the threat level at a "level 4" (very serious)

for a period of 48 hours, before setting it to "level 3" until January 22, 2018.<sup>102</sup>

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<sup>98</sup> Lotfi AOUMEUR, Tarik JADAOUN, and Hicham CHAIB, from Syria, rejoice at the attacks in Brussels (see PV 36223/16, MOD 15, Cil, SF2, 54c)

<sup>99</sup> PV 001246/17 (MOD15, C15, SF1, 16)

<sup>100</sup> We note, as an example, that after the explosion of the metro in Maelbeek, the police demanded a radio silence, closed the Rue Joseph II, evacuated the Rue de la Loi, closed the three major stations of the capital, closed all the major tunnels (Cinquantenaire, Montgomery, Loi, Belliard, Kortenbergh), evacuated Etterbeek station and closed the Kinépolis complex (PV 32022/16 MOD 15, carton 1, SF1, 8).

<sup>101</sup> For your information, OCAM is the official state service responsible for setting the level of terrorist and extremist threats in Belgium. Threat is assessed on a scale of 1 to 4

<sup>102</sup> OCAM letter of 21 October 2021 (references: OCAM/C/428419/153)



## **TITLE IV: THE INVESTIGATION**

### **CHAPTER I: AN IMPORTANT FIRST STATEMENT AND ITS CONSEQUENCES**

#### **I. THE TAXIMAN'S TESTIMONY**

On Tuesday 22 March 2016, at 8.20 a.m., Charles MASOZERA, a taxi driver, went to the police in Brussels to express his concerns about the behaviour of clients he had taken to Zaventem airport that morning and the strong smell of he had taken to Zaventem airport that morning and the strong smell of chemicals <sup>103</sup>emanating from their luggage.

He heard about the attacks on the radio and thinks he transported the perpetrators.<sup>104</sup>

He reveals the telephone number that called the taxi centre and 4 Max Roos Street in Schaerbeek as the address from which he went to pick them up.

He briefly describes the three clients he picked up, their luggage and the conversation that took place.

The taximan recognises on the photograph extracted from the surveillance cameras of the Zaventem airport, the people he took in charge as the three suspects pushing their shopping carts.

A search warrant for the apartment located 4 rue Max Roos in Schaerbeek and a telephone investigation are immediately decided by the investigating judge DE COSTER.

#### **II. THE SEARCH IN THE APARTMENT LOCATED IN MAX ROOS STREET 4** <sup>105</sup>

##### **1. General information and preventive measures**

Based on the indications given by the taximan, a search on Max Roos 4 Street is organized the same day.

Fearing the presence of other bombs at the address, investigators will have to wait for the security of the place by the special units of the federal police (CGSU<sup>106</sup>) and the demining service of the army (SEDEE).

The building, composed of 5 floors, includes 10 apartments. It is located at the corner of Max Roos Street and Ombiaux Street, in a densely populated area.

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<sup>103</sup> PV 32030/16 (MOD 6, C4, SF7, 3)

<sup>104</sup> BR.45.LL.32005/16 (MOD 6, C4, SF7, 2)

<sup>105</sup> PV 13044/16 (MOD 14, C14, SF2, 31) and PV from the laboratory 13382/16 (MOD4, Cil, SF1, 1)

<sup>106</sup> the Office of the Commissioner-General Special Unit

The conspiratorial apartment is located on the fifth and top floor. It consists of an entrance hall, a living room, a kitchen with terrace, a bedroom, a separate toilet and a bathroom.

At the address, 10 to 15 kilos of improvised explosive, commonly known as TATP, are found ready to use, 26 5-litre cans of acetone (precursor needed to make the TATP) and about 20 detonators.<sup>107</sup>

The actual search only begins when these substances are removed and neutralized by specialized responders. A video<sup>108</sup> and photographs<sup>109</sup> of the abandoned sites were made before the passage of the forensic laboratory.

2. The search itself

Many items were seized at the address.

In addition to the usual objects of daily life, such as clothes of different sizes and marks, the following objects were discovered:

a) In the entrance hall of the apartment<sup>110</sup>

- Several Brabantia brand trash cans. One of which was red and white, with a capacity of 30 litres, the same capacity as those used to contain the bombs at Zaventem<sup>111</sup>;
- Empty packaging of 9V batteries;
- A trolley<sup>112</sup>
- A single-gun INVESTARM detached folding rifle bearing the number 92203 22-gauge.
- A suitcase with sticky ribbons inside;
- A black wig;
- Several cash receipts often bearing the store name, date and time of purchase (Zeeman, Blokker, Carrefour, Sports Direct...);
- A travel bag with black wheels, MTC brand similar to those used in Zaventem;
- Documents, SIM cards, Lycamobile branded SIM card packaging and a SAMSUNG 'GT-E1207T' branded mobile phone

b) in the living room<sup>113</sup>

- An ISIS flag on the wall of the living room
- Bomb-making equipment including several plastic bags containing small metal objects, an "exercise igniter cap" from a grenade (which can be used as a detonator)<sup>114</sup>, sticky bands,

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<sup>107</sup> A garbage bag from Brussels-Propreté will also be discovered in the (uninhabited) 4th-floor apartment. It still contained white powder, a detonator used, another detonator ready to use, identical to those found on the 5th floor, an electrical cable, and a USB key defective and without content (PV 29024/16, MOD 15, C9, SF1, 70). A 5-liter can of acetone was also found beside the bag (PV 13044/16, MOD 14, C14, SF2, 31). It seems that it was the SEDEE that, to facilitate the removal of the explosives from the 5th floor, moved these objects to the 4th floor (PV 15125/16, MOD 15, C3, SF1, 6)

<sup>108</sup> PV 13382/16 (MOD 4, CII, SF1, 1) and PV 37923/20 (MOD 15, C31, SF3, 79)

<sup>109</sup> PV 13264/16, MOD 6, C5, SF5, 1

<sup>110</sup> PV 13382/16 (photos 29 à 59), MOD 4, CII, SF1, 1

<sup>111</sup> 1 PV 49876/16, MOD 15, C14, SF1, 7

<sup>112</sup> V 13264/16, MOD6, C5, SF5, 1(page 20/38)

<sup>113</sup> PV 13044/16 (MOD 14, C14, SF2, 31) and PV 13382/16 (pictures 60 à 122) (MOD4,CII, SF1,1

<sup>114</sup> PV 30415/18, MOD 15,C26, SF1,15

cutters, cable rolls, digital scale, several pieces of fabric, weld, two radiator protection grids, 3 large plastic bins containing white powder and liquid, TATP residue, connectors, a pair of yellow tableware gloves, a hygienic mask, a rolling pin, a Panasonic battery, five plastic packages of triggers 10 cm.

- Ammunition of different calibers including ten 22 caliber ammunition Long rifle caliber used in the gun discovered next to the corpse of Najim LAACHRAOU
- Several documents to advance the investigation, including:
  - Found on the chimney, a piece of paper with two telephone numbers associated with two first names<sup>115</sup>: "0486338365 - AMINE" and "483680368-Imrane"<sup>116</sup>
  - Found in the pocket of a jacket, a purchase invoice from the CAPITANI store
  - o A copy of an identity card in the name of Miguel DOS SANTOS with a photograph of Ibrahim EL BAKRAOUI wearing a wig and glasses
  - Several documents relating to the searched apartment including a rental agreement, a contradictory HYDROBRU statement form completed by DOS SANTOS Miguel dated February 15, 2016 and rent receipts
  - An envelope containing six photos of Najim LAACHRAOUI also wearing a wig and glasses
  - A copy of the identity card in the name of David OLIVE SERRA with a photograph of Najim LAACHRAOUI wearing a wig
  - o Numerous documents, packaging of SIM cards and GSM brand NOKIA or ALCATEL, a GSM brand NOKIA dual SIM<sup>117</sup>,
  - Some Blokker store and STIB cash receipts dated 14-03-2016
- Three wigs;
- Headphone sets in different colours
- A pair of handcuffs;
- A second travel bag with black MTC wheels similar to those used at Zaventem<sup>118</sup>;
- A black SAMSUNG GT-E1200i mobile linked to the call number «32488029642».

c) In the kitchen and on the terrace<sup>119</sup>

In addition to the usual food, drinks and kitchen supplies, the investigators seized:

- Bomb-making equipment: a glass measuring pot, 57 syringes of different sizes, five push buttons of different types, two packages containing ON/OFF buttons, cans of acetone, hydrogen peroxide and various liquids and several masks;
- A box of incense sticks;
- A screwdriver;
- A book entitled 'The Citadel of the Muslim 1';
- Two STIB travel tickets (one trip) and a MOBIB card refill;
- Several cash receipts from different stores like Blokker, Lidl, Candan,...
- Ammunition 308 WIN WOLF;
- Yellow dishwashing gloves;

<sup>115</sup> PV 15186/16, MOD 10, CI, SF11,1

<sup>116</sup> PV 13382/16 (MOD4, C12 album 3, photo 441). Note that these numbers will never be activated (PV 13818/16, MOD 6, CS, SF2,40)

<sup>117</sup> PV 13382/16 MOD4,Cil,1(page 141/177- n° 478)

<sup>118</sup> PV 49876/16, MOD 15, C14, SF1, 7

<sup>119</sup> PV 13382/16 Photos 123 à 185 (MOD4,Cil, SF1) and PV 13044/16 (MOD 14, C 14, SF2, 31)

- Shopping carts including one containing bolts, nuts, screws and pieces of adhesive tape;
- One package of Cutiplast Steril (dressings);
- In the freezer: several white plastic cups to make glaçons<sup>120</sup>;
- In the kitchen bin: different rooms, including a<sup>121</sup>transparent plastic cup of the same model<sup>122</sup>as those found in the entrance hall<sup>123</sup>, as well as a date ring

d) In the bedroom<sup>124</sup>

The lack of mattresses in this room is striking. On the other hand:

- A second Islamic State flag, also handmade, is also hung on the wall of the room;
- Many clothes, plastic bags, garbage bags or packaging litter the ground;
- Bomb-making equipment: more than 40 empty glass jars,<sup>125</sup> multiple bolts, screws, nuts of different sizes, an electrical cable installation with a push-button, 2 red igniters, garbage bags from Brussels-Cleanliness with white powder residue, Curver brand plastic bins, lids, inner buckets of Brabantia bins (10, 12, and 30 liters), two wooden radiator covers, a Topbox white plastic box of 60 L Iris brand, pieces of fabric, rolls, and pieces of adhesive tape, cans of acetone (24) of which question above;
- sports training equipment: dumbbells, weight training equipment, gloves and a boxing cushion;
- - tools: two screwdrivers in white crystals;
- several pillowcases;
- A Dunlop grey travel bag;
- A Great Escapes backpack
- Several GSM chargers;
- A roll of cellophane protective film;
- A personal scale;
- A set of headphones in its packaging;
- Three cotton buds.

e) In toilets<sup>126</sup>and in the bathroom<sup>127</sup>

In addition to the usual items such as toothpaste, combs, wipes or clothing, investigators seized:

- Equipment used to make the bombs: several yellow rubber gloves, several pairs of protective glasses, pieces of fabric as well as a blue tshirt with white crystals, a plastic tray and, next to the toilet, a hand pump for liquid;
- A box of Flammazine 1%<sup>128</sup>;
- A tube of Fiamigel<sup>129</sup>;
- A hair clipper

<sup>120</sup> PV 18239/16 (MOD 15, C4, SF 2, 45)

<sup>121</sup> PV 13382/16, MOD4, Cil, SF1,1 (Lab reference : O\_BRU\_160204 7JL49)

<sup>122</sup> PV 18239/16 (MOD 15, C4, SF 2, 45)

<sup>123</sup> PV 13382/16, MOD4, Cil, SF1,1(Lab reference : O\_BRU\_1602047 \_030 et 031)

<sup>124</sup> PV 13382/16 (photos 186 à 253) (MOD4, C12, SF1, 2) et PV 13044/16 (MOD 14, C 14, SF2, 31)

<sup>125</sup> ABRINI, in his hearing of 28 April 2016 (PV 18778/16, MOD9, C4, SF1, 4) states in this regard that Ibrahim EL BAKRAOUI and Najim LAACHRAOUI make TATP by 16 small jars. These are jars of beans bought at the store that ABRINI empties in the toilet. These jars are then filled with TATP. The contents of 16 jars of beans fill a bin.

<sup>126</sup> PV13382/16, MOD4, C12, SF 1, 1 (Pictures 254 à 257)

<sup>127</sup> PV13382/16, MOD4, C12, SF 1,1(Photos 258 à 222)

<sup>128</sup> Ointment spread over burns

<sup>129</sup> PV 19022/16 (MOD4, C12, SF2,1, picture 12)

f) In the lobby of the building<sup>130</sup>

Only a reminder letter on behalf of TIMMERS Pieter is useful to the investigation. It is opened by the investigating judge DE COSTER. This is a letter relating to an unpaid bill from the energy supplier Lampiris (for gas and electricity<sup>131</sup>) addressed to the occupant of the conspiratorial apartment.

The investigation establishes that Ibrahim EL BAKRAOUI has usurped the real identity of a swimming champion to subscribe via the Internet a subscription that begins on February 3, 2016<sup>132</sup>. The telephone number 32488029642 is mentioned, associated with the false identity of DOS SANTOS.

3. Abandoned garbage cans on the sidewalk at the front door

While the search was in progress, an investigator's attention was drawn to the presence of two cardboard boxes on the pavement at number 4 Max Roos Street<sup>133</sup>. The boxes were Brabantia refuse containers in which a number of objects were found, including the following:

- Two "new and intact" plastic buckets inside the bins<sup>134</sup>;
- A small cardboard box containing several hundred beads or metal balls;
- Five pieces of tissues;
- A plastic cup

Other objects had already been found in the same bin by the Brussels-Propreté Imed FETOUI and Christopher MICHIELS<sup>135</sup> during their morning tour in Max Roos street. A computer with missing keys had been thrown<sup>136</sup>, while a laptop, tablet, GSM, and two SIM cards were taken away.

But noting that the HP computer contained Salafist documentation, and making the connection with the attacks, the garbage collectors give these objects to a police team.

The tablet, unfortunately formatted, could not reveal anything.

A telephone, linked to number 32487357105,<sup>137</sup> is retrieved. It contains a short message "Hamza?". Recovery of the HP Probook 6460B computer is a gold mine for investigators.

III. EXPLOITATION OF SEIZURES AND FOLLOW-UP INVESTIGATION

A. THE TELEPHONE SURVEY

<sup>130</sup> PV 13044/16 (MOD 14, C 14, SF2, 31) et PV 14167/16 (MOD6, C5, SF3, 34)

<sup>131</sup> PV 14008/16 (MOD 14, C16, SF1, 36)

<sup>132</sup> Pv 22032/16 (MOD15, C6, SF1, 45)

<sup>133</sup> PV 13044/16 (MOD 14, C 14, SF2, p.31), mais les PV 013670/16 (MOD 14, C17, SF1, p. 73) et PV 13382/16 (MOD 4, Cil, SF1,1) indicate that the bins are at the height of number 8.

<sup>134</sup> PV13670/16 (MOD 14, C17, SF1, 73)

<sup>135</sup> PV 14617/16 (MOD 15, Cl, SF2, 17)

<sup>136</sup> They threw that computer in the dumpster of their truck because it was obviously out of order. That P.C. was never found (PV 14617/16, MOD 15, Cl, SF2, 17, PV 12981/16, MOD6, C5, SF1, 6 and PV 014666/16, MOD15, Cl, SF1, 41A)

<sup>137</sup> It turns out that the system of this phone, ZIZO brand, could not, in the absence of suitable operating program, be analyzed in depth (PV 13826/16, MOD 6, C5, SF1, 37A)

Investigators have done considerable work to understand the telephony used by the perpetrators. The following is a summary of the relevant elements that are useful for understanding the events in Brussels.

1. The investigation into the "32487243373" used to order the taxi to Zaventem on March 22, 2016.<sup>138</sup>

This number is used by a person under the name of «Serra», so that investigators quickly make the connection with the identity card issued in the name of David OLIVE SERRA found in the pocket of the pants of the second kamikaze in Zaventem.

Analysis of this number, activated on March 22, 2016, reveals that on the morning of March 22, between 7:31 and 7:49 a.m.<sup>139</sup>, his user attempted three times to contact the call number "0486628414". This number, activated on the same day, is used by Khalid EL BAKRAOUI who, at this time, is in the «barracks» district in Etterbeek.

This is the moment when the two commandos, Zaventem group and Maelbeek group, are preparing to act.

2. Ortel Mobile SIM card found in the trash can on the sidewalk of Max Roos Street<sup>140</sup>

This card corresponds to the call number "32487357105".

There is only one message on this SIM card: «Hamza?» sent on March 16, 2016, to the number «32488098427». There were also four calls to the same number on the same day. It was no longer used.<sup>141</sup>

The link between this number and the intervention of the police services in the apartment of Dries Street in Forest is thus established: Indeed, Salah ABDESLAM and Sofien AYARI, on March 15, 2016, abandoned in their flight a black SAMSUNG GSM containing this number «32488098427»

3. Ortel SIM card linked to the number "32485949114"

The SIM card holder is found in the apartment on Max Roos Street, slipped into a book. It is a prepaid card whose holder is not registered but the investigation determined that Mohamed BAKKALI was the user<sup>142</sup> during the attacks in Paris.<sup>143</sup>

4. The SAMSUNG GSM of Ibrahim EL BAKRAOUI

On the evening of 22 March 2016, the owner of the premises tried to call his tenant Miguel DOS SANTOS. These calls were heard by police during the search on Max Roos

<sup>138</sup> PV 12911/16, MOD 14, C 14, SF 2, 11

<sup>139</sup> PV 42728/16 (MOD 9, C4, SF1, 9)

<sup>140</sup> PV 13005/16 (MOD14, C14, SF 2, 1)

<sup>141</sup> PV 30088/16 (MOD15, CIO, SF2, 6), PV 013822/16 (MOD14, C14, SF3, 27) et PV 13891/16 (MOD6, C5, SF3, 18)

<sup>142</sup> PV 47499/16 (MOD 15, C13, SF2, 8)

<sup>143</sup> This phone activates antennas in Auvelais (PV 13661/16, MOD6, C3, SF1, 26). However, it is in Auvelais that Najim LAACHRAOUI, under the false name of Soufiane KAYAL, rented from 30 September 2015 until mid-November 2015 a house in order to accommodate several people including the kamikazes of the attacks in Paris. We have recovered the DNA of Mohammad ALMAHMOD, Chakib AKROUH, Sofien AYARI, Ahmad ALKHALD, and Osama KRAYEM. The investigation also revealed that Bilal HADFI and Ismael MOSTEFAI stayed there.

Street. The device is found and it is a black SAMSUNG mobile in which the number «32488029642» is introduced.

This number is used by Ibrahim EL BAKRAOUI for the rental of the apartment of the street Max Roos as well as for his contacts with the owner Bruno ARAUJO DA SILVA and the concierge of the building Alexandrino RODRIGUES DA COSTA PEREIRA.

This black SAMSUNG GSM also contained another Ortel SIM card with the call number «32486634975».

5. Ortel SIM card linked to the call number «32486634975»

The explanation for this anonymous prepaid card was found on Max Roos Street. The mobile phone box in which this number was placed was also found on site<sup>144</sup>.

This issue has been little used by the group, but a few things are interesting:

On 4 March 2016, he was contacted by the number «32488029642» used by the so-called Miguel DOS SANTOS, so-called Ibrahim EL BAKRAOU.

On March 15, 2016, between 4:36 p.m. and 5:31 p.m., after the shooting in Forest began, the number «32486634975» is in the vicinity of Max Roos Street when he attempts to call 17 times another number used by the group: the «32488068765»<sup>145</sup>. All these calls end on voice mail.<sup>146</sup>

6. Phone numbers on a piece of paper on Max Roos Street: «0486338365-AMINE» and «0483680368-IMRANE»

Discovered on March 22, 2016 by investigators on a piece of paper in the living room of the Max Roos apartment, these numbers will never be activated<sup>147</sup> (see picture P. 43)

However, they are each assigned a specific first name: «AMINE» and «IMRANE». These two names are mentioned in the investigation as being able to designate the accused Hervé BAYINGANA MUHIRWA «AMINE» and Bilal EL MAKHOUKHI «IMRANE», which they deny.

B. OPERATING THE HP PROBOOK 6460b LAPTOP<sup>148</sup>

1. General Information

Both the files present, and the deleted files have been extracted and scanned.

<sup>144</sup> PV 23519/16 (MOD15, C7, SF1, 28)

<sup>145</sup> This card, active between 12 and 16 March 2016, probably belonged to Ibrahim EL BAKRAOUI to contact several apartment owners rented (PV13317/16, MOD6, C6, SF1,15 and PV 49752/16, MOD10,C3, SF23,1). Among these owners, Olivier MALO (PV 6641/17, MOD15, C16, SF1, 11). It should be noted that the group, then still full, is still looking for new apartments Cfr. the statement of Mohamed ABRINI «they (the brothers EL BAKRAOUI) wanted to take new apartments.(...) it was necessary to split up because there were too many of us in a small apartment» PV interrogation JI PANOU, 8 October 2018 (PM) attached by PV 13854/19 (MOD15, C30, SF1, 9D)

<sup>146</sup> PV 13317/16 (MOD6, C6, SF1, 15)

<sup>147</sup> PV 13818/16, MOD 6, C5,SF2, 40

<sup>148</sup> Because of its importance, this P.C. has been the subject of several analyses and operations: PV 13504/16 (MOD 15, C1, SF1,16), 003036/18 (MOD9, C22, SF1, 8A), PV 005227/18 (MOD15, C22, SF2, 3A) and PV14674/19 (MOD15, C30, SF1,1B)



Programs to anonymize and erase activities on the Internet are installed. A tutorial (produced by the «Khalifat Sécurité» of the Islamic State<sup>149</sup>) on the installation of anonymizing software for smartphones, such as TOR and ORBOT, was discovered.

We also note the frequent use of the software «Truecrypt» intended to encrypt the data and make them unreadable or inaccessible without a password.

Several hard drives or USB drives have been connected to this computer.

The system's first registration activities date back to October 9, 2015 <sup>150</sup>

On this date, this computer is used not on Max Roos Street, because the place was not yet rented by the members of the group, but in the various previous covers. <sup>151</sup>

This computer was obviously used for the preparation of the attacks in Paris: there are searches for targets, the manufacture of explosives, a file containing the diagram of the attacks carried out on November 13, 2015, and a text of the claim.

This computer was used until March 22, 2016, and at 6:37 a.m. at which time a USB key was removed. <sup>152</sup>

2. A real «media library for jihadists»

We discover extensive documentation containing «several thousands of plays defending terrorism» and several themes specific to the ideology of the Islamic State (throats, kamikaze attacks, combat scenes, etc.). These files, in French and Arabic, are made up of videos, audio, and anasheed. <sup>153</sup>

Two videos on the assembly and disassembly of a 9mm Remington pistol were also consulted several times in January 2016 and again on 19 and 21 March 2016. <sup>154</sup>

3. Research on different targets

The computer records the group's research on several targets:

In a dossier entitled "Studies", we find emissions on risk plants, nuclear power plants and nuclear alerts.

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<sup>149</sup> PV 28541/17 (MOD 15, C19, SF1, 7v)

<sup>150</sup> PV 13504/16 (MOD 15, CI, SF1, 16)

<sup>151</sup> The investigators established that this P.C. had connected to a Wi-Fi network in Auvelais in October 2015 and on several Télénét addresses located in Schaerbeek in the vicinity of Henri Bergé street (PV 15411/16, MOD15, C2, SF1, 21)

<sup>152</sup> PV 42297/16 (MOD15, C13, SF2,1)

<sup>153</sup> Islamic religious songs

<sup>154</sup> PV 13504/16 (MOD 15, CI, SF1, 16) and 15975/16 (MOD15, C3, SF2, 9D). One of the videos is uploaded on January 16, 2016, at 3. H. 18 while the fax receipt with the mention Remington carries the date of January 19, 2016, at 5:50 pm

Other targets are identified: football stadiums, the «Rue de la Loi» (file placed in the trash on 16 March 2016), potential targets in France associated each time with a modus operandi of attacks such as drone attacks, suicide attacks, of the shootings.

Other sites are also pointed out, on the basis of photos: the Caserne of Flawinne, the Hospital of Neder-Over-Hembeek, its director, cafes-concerts in Brussels, the Belgian museum of radiology, Belgian nuclear power plants, etc <sup>155</sup>

#### 4. Recent audiophonic files

Several data files found in this computer are obviously intended for transmission in Syria. They provide many insights into the life and projects of the cell in Belgium..

They are registered by Ibrahim EL BAKRAOUI identifying himself with a nickname or «war name» of Abu Souleymane and by Najim LAACHRAOUI identifying himself under the nickname «Abu Idriss» or «Ikrima».

They send messages in response, take stock of the situation to an interlocutor named «Abu Ahmed» and explain their motivations or their visions of the world. Thus, the file «Abou Souleymane pour les frères» includes the recording of a message (of more than 17 minutes) by Ibrahim EL BAKRAOUI in which he explains his vision and his motivations.

Some specific files relate to the attacks in Paris<sup>156</sup>, its preparation, the various targets to be reached and the consequences of the arrest of Mohamed BAKKALI.

Others are specific to the Brussels cell:

##### a) The file « Carved001884.wma »

A deleted file named “Carved001884.yyma” <sup>157</sup> was retrieved. This is a recorded message from March 13 to 15, 2016. The author, Najim LAACHRAOUI <sup>158</sup>, addresses Abu Ahmed.

It welcomes the development of the group:

- He tells her right away that “everything is going well. Everyone is firm”.
- *A new recruit has arrived, a second is being considered:  
We have one more brother in logistics, praise to God, you see,... I saw him,  
We saw him, you see,... we talked to him, he was motivated. He made  
allegiance. He told us that he will help us as much as possible with the will of  
Allah, you see? It's Abou Imrane who brought us this one, that's ...  
And ... I also knew a brother, you know? I also sent Abu Imrane.*

<sup>155</sup> PV 15975/16 (MOD 15, C3, SF2, 9D)

<sup>156</sup> Thus, in the file «lawyer Mohamed.wma», the author, who identifies himself with Ibrahim EL BAKRAOUI, wants to tell the lawyer of BAKKALI Mohamed that he abused BAKKALI, that the latter «knew nothing», that it was at his request to him that he rented the houses «in Auvelais and Schaerbeek» and that he rented a car to drive occupants to the site.

<sup>157</sup> V 14530/16 (MOD15, CI, SF1, 34), PV 4009/17 (MOD15, C15, SF2 16B), PV 3089/18 (MOD15, C22, SF1, 16a) et PV 3090/18 (MOD15, C22, SF1, 16b)

<sup>158</sup> At some point, Ibrahim EL BAKRAOUI speaks during the recording. He asks «the others» if they have a particular message. ABRINI seems to be present during the recording of this message

*And I wait for the answer ... With the will of Allah (...) it will be an answer favourable. If the second brother says "yeah", well we'll have two more brothers in logistics, you know? Inchallah."*

The plans drawn up by the cell are discussed:

- LAACHRAOUI talks about targets: *" Here we have a few targets, we have a plan uh ... we talked about it you know? Me, Walid and Souleymane, it's kidnapping one or two heads and asking for their release uh ... the release of some brothers, you know? And in priority, the brothers who worked the ... you see like NEMMOUCHE, ANDALOUI <sup>159</sup>and BAKKALI you see? And also from asking for... the release of some sisters, you know?"*
- He passed on to Emir Abu Ahmed the request of the brothers who want to know how they should work. *" Do you want us to work in the long term? Or you want (...) us to do a big operation, we all go out and then it's over»* but adds directly: *«After you see, it's you ... You're still the emir, you see? You decide»*
- They are «all» of opinion to avoid «attacking» Belgium so that it remains a base of withdrawal: *here we know ... the brothers they know Belgium you see, they can find ... you see ... apartments etc. you see? What if We were never going to type up Belgium, they would release the photos of Walid and Souleymane ... And that's all ... it'll be over, you know? Uh ... and also yeah there, The brothers, they'd... they'd rather, you know, they'd rather focus on France, you know? For uh because there will soon be the Euro you see? And they want to cancel this Euro, you see?"*
- He questions him about the team possibly available in France, are they still operational, how can they work? Can they be trained or is it just "candidates martyrs"
- LAACHRAOUI also evokes England: *We told you about England ... Yeah we forgot that, you know? We have to ... yeah we forget. But as for France, frankly it would be good you see," but they want to take advantage of the previous experience of Abu Omar [ABAAOUD] and Dou Al Karnayn [Chakib AKROUH] who, if they had had a safe house, "could have attacked a second time."*
- Najim LAACHRAOUI questions Abu Ahmed on how to act: *Do you see the gas cylinders? (...) What I was thinking was emptying them, emptying them of their gas and filling them with TATP "to be used as a gun chamber" and blow it up, you know?" <sup>160</sup>*
- He thinks of launching attacks on rails and asks for recipes for the manufacture or dosage of another explosion <sup>161</sup>or even the schematic of remote control with the same model as the phones they have.
- He talks about the progress of the project: *I will say (...) what we already have, praise to God, (...) in about 10 days, we made more than 100 kilos of TATP. There, in total, we have 130 kilos."* and it still requires recipes for the

<sup>159</sup> Identified as Ayoub EL KHAZZANI (cfr. infra)

<sup>160</sup> PV 14530/16 (MOD15, CI, SF1, 34)

<sup>161</sup> PV 003090/18 (MOD 15, C22, SF1, 16B)

manufacture or dosage of other artisanal explosives based on nitric acid, RDX or nitroglycol<sup>162</sup>. In this regard, he asked Abu Ahmed to ask «Mahmoud»<sup>163</sup> for advice on the manufacture of explosives.

- He reflects the request of Abdelaziz (aka Mohamed BELKAID) for explanations on the circumstances of the death of his friend KASWARA and that of Souleymane to contact the brothers who are in the media so that they prepare the demands of future operations.
- Greetings are finally addressed to European jihadists who remained in Syria, especially from Yahya (alias Mohamed ABRINI) to the friend the German or Abou Hamza the Belgian.

b) The Yass file

The «Yass.wmg»<sup>164</sup> file probably intended for Yassine ATAR, cousin of the brothers EL BAKRAOUI, seems to be registered after the publication of the photographs of the brothers EL BAKRAOUI and the police intervention rue du Dries. The author reveals that he is in an emergency situation:

*"You've seen what's happened in the last few days, so we're a little rushed, we can no longer do anything here....we're wanted everywhere... we are no longer safe... we don't even have safe housing anymore, we don't have it anymore. And if we drag on ... if we drag on, we risk ending up next to him in a cell."*

c) "Message audio » file

On 21 March 2021, Najim LAACHRAOUI recorded a "message.audio" file<sup>165</sup>, intended for Abu Ahmed:

*"The situation is such that we can no longer, we can no longer delay whatever it's either you see. We have to work as fast as possible, and we've decided to work inchallah tomorrow, Tuesday, March 22, Tuesday, March 22 inchallah. In morning. [ . . ] because we no longer have a security stash, there is no one, etc. You see, there is no brother for logistics, etc. Everyone is burned you see. (...) All the photos are out etc. the weapons they have delayed etc., in short but praise to God, Allah, exalted be it, allowed us, as I told you in the previous audio, to undo more than 100 kilos of TATP..."*

It's also about sending wills:

*" We'll send you our wills. I... I... we'll put this in files you see 'Yahya', 'Souleymane' and me. [.... ] 'Walid' also normally. I don't know if he's already sent it."*

Then he describes their plans:

<sup>162</sup> PV 003090/18 (MOD 15, C22, SF1, 168)

<sup>163</sup> Identified as Ahmad ALKHALD, the artificer who came to Belgium to help prepare the attacks in Paris. He joined Syria in early November, before the terrorist attacks of 13 November 2015. Ahmad ALKHALD appears to be the false identity used by Omar DARIF, identified by ISB (investigative service as "Abu Mahmoud As Shamy" (D41847).

<sup>164</sup> PV 23976/16, MOD14, C7, SF2, 8

<sup>165</sup> PV 14530/16 (MOD15, CI, SF1, 34). It is also a file that was initially deleted. See also PV 004009/17 (MOD15, C15, SF2 168).

Allah has allowed us to make over 100 kilos of TATP and that's what we're going to use». He then talks about infiltrating and triggering everything at the same time «by surprise to make a maximum of victims»

Five targets are planned:

The targets will be Inchallah (...) the airport ... and the subways. The subway lines. It will be five Dougma [operations] inchallah. You see. Direct." "A brother gave us information that in the morning there are American flights, Russian flights, Israeli flights. We'll try to touch them»

The unused weapons will be hidden for any possible consequences and entrusted to Imrane:<sup>166</sup> it is a Kalashnikov, three VZ58 (assault rifle similar to the Kalashnikov), 2 magazines «by Kala», 2 grenades, one or two «loaves» C4 and a radio capable of picking up police frequencies.

The named Imrane will contact Abu Ahmed for this purpose: it is about

a trusted brother. He's really good. He's already been to the sham. He's worked with we. We left him "Truecrypt". We will leave him the last address we have, so Only the guns since we're not going to use them. We will put them in a cache, if ever other brothers (want to use it after us) (...) And of the money that is in surplus, we will also leave them to him, give him the instructions what he must do with...»

We also learn that the wish of Abou Imrane and Amine (who has pledged allegiance and helped in the meantime) is to do the Hijra in Syria or Libya and that Abou Walid and Abou Omar are «in another hideout».

The group must work in haste:

They also express still not understanding why the brothers who were in the apartment in Forest went out without having a way to communicate and gave up their weapons. Abu Hamza had a «kalasch with 6 magazines» and only «Abdelaziz finished with them»

After the arrest of Salah ABDESLAM, and lest he speak, Abou Souleyman offers to Oussama ATAR to change the nickname or «kunya» in Arabic:

" (You have to) change your kunya because Salah sent you a letter, he knows your name is Abu-Ahmed, after that, God only knows..."

At one point, Ibrahim EL BAKRAOUI approaches the microphone:

*"Greetings, peace, and blessings of Allah on you, it is Abu Souleymane, listen to Abu Ahmed, as he explained to you (...), we are working in haste. We sent you the wills. I made a lot of audio, so look at this, see what's good, what's not good. Take it, throw it away. I'll get you to swear brother, Allah, he is a witness, we had lots of plans. We*

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<sup>166</sup> PV 004009/17 (MOD15, C15, SF2 16B)

*had lots of ideas. We wanted to do many things, but it is the destiny and the will of Allah, we are forced to work, or else we will rot in a cell... Allah, exalted be he, is a witness, we have invoked with you, Inchallah that he will make you easy, that he will make you firm, that he will grant you victory as soon as possible Inchallah. He continues: Anyway, there is Abu-Yahya here, who is also determined, who sends his regards to you too. Abou Walid is in another safe house with Abou-Omar ... He goes on to say that what happened on Dries Street: «the brothers who were in the apartment in Forest, their reaction... after Allah knows best ... We don't know why they went out, they gave up their weapons. (...) That's why he insisted you change of kounya [nickname], since Salah had sent you a letter, he knows that your name is Abu-Ahmed, afterward, God only knows...*

**d) The file « fumier.wma »**

A file "Fumier.wma" is discovered where the author greets "his brother" and states that they "did not have a chance to see each other again but that he thanks him for all he has done for them." He invited her to emigrate there, or to fight the Kouffar on the spot in Belgium, seeking martyrdom since «this life is only a test».

This file is probably intended for Smail FARISI.

**e) Two wills registered by Ibrahim EL BAKRAOUI**

Wills of Ibrahim EL BAKRAOUI are found:

- The "pour.ma.mère.wma" file is a 34-minute message recorded by Ibrahim EL BAKRAOUI, for his mother saying to him S/ you listen to this audio it is that Allah allowed me to fall into martyrdom". He asked his father "not to vote anymore since the current law is not that of Allah", and his sister Mariam "to makeup and perfume, that she should only make herself beautiful for her husband and leave on a land of Islam».
- The file entitled "\$RJENMF3E.wmg\_" recovered while it had been deleted<sup>167</sup>, is the will of "Abu Souleyman" (or Ibrahim EL BAKRAOUI) intended to be read after his death.. We learn that Abu Souleymane swore allegiance to the Caliphate in november 2014. The audio then apologizes for the fight, which he sees as an individual obligation, and makes violent and hateful remarks in which he exhorts his other «brothers» to fight in their turn. Ibrahim EL BAKRAOUI is determined to die in the name of Allah, influenced by what he heard from the prisons of Bagram and Abu Graib (where his cousin Osama ATAR was imprisoned), "to avenge the blood of Muslims from the attacks committed by their disbelieving enemies". He announced that "there will be a great action this week"

**5. Various other files saved by the cell members**

In the computer discovered in the trash can on Max Roos Street, several written documents are also interesting:

**a) An "XML" file was retrieved**<sup>168</sup>

<sup>167</sup> PV 013504/16, MOD15,CI,SF1,16

<sup>168</sup> pv5227/18 (MOD 15, C22,SF2,3A)

The author presents himself as Abu Abderrahman identified as Salah ABDESLAM<sup>169</sup>, the one who «participated in the first attack». He explains that after a moment of hesitation, he felt that *“the best thing was to define the work here with the brothers.”*

b) A file signed by « Abou.Yahya »

A text file dated 3 February 2016<sup>170</sup> is signed «Abou Yahya» alias of Mohamed ABRINI. He writes to his mother that he is proud to have sworn allegiance to the Islamic State. He evokes his brother who died in martyr and clearly implies his wish to die a martyr.<sup>171</sup> He approves the attacks of November 13, 2015, as a *«punishment of Allah»* which is justified, he says, by the bombing of France in the land of Islam.

c) Another message written by Mohamed ABRINI

This message, addressed to his companion Nawal, states: "NOW YOU KNOW WHY I CAME BACK FROM THE SHAM IT WAS TO STRIKE HARD AT ALLAH'S ENEMIS AS LONG AS THEY BOMBARD OUR MOSQUES OUR SCHOOLS OUR FRERES AND SISTERS IN IRAQ IN SYRIA IN MALI IN PALESTINE IN LYBIA YEMEN AND MANY OTHER PLACES WE WILL KILL THEM BY ALL MOYENS TO FREE PALESTINE BI IDNILLAH»

d) A text entitled "manuscript of Abu Omar, Hamza, and Abdelaziz".

A text seems to have been written by Osama KRAYEM, Sofien AYARI, and Mohamed BELKAID<sup>172</sup>. The title is "handwritten text of Abu Omar, Hamza, and Abdelaziz". The text includes the following sentences: " We implore our Lord to be elected as His soldiers who will triumph and avenge the religion, our blood and our honour. As for the work, we wanted to know how and in what way to organize ourselves with the will of Allah, will we go out together or will there be those who will leave earlier and others later"

e) A file "information to pay garage.txt"

This file, dated 19 March 2016, suggests that the group rented a garage.

f) Three farewell letters signed by Khalid EL BAKRAOUI

The three letters signed "Abou Walid" alias of Khalid EL BAKRAOUI are all dated 20 March 2016:

- o The first is addressed to his wife Nawal. It reads: *"Know that I love you very much in Allah, I ask for your forgiveness for all the times I may have hurt you, I hope that Allah will reunite us in his garden".*
- o In the second, he exhorts his brothers: *"My brothers, these moments are the moments when chaytan sends his armies to upset you, to make you doubt, but the doubt will dissipate as to the remembrance of Allah. (...) Oh my brothers, keep your promises to your deity and know that Allah will always keep His promises (...). (...), do not be like those who said, 'command us to fight', and then turned back."*
- o In a third letter, he addresses 'one brother' who has 'a very great place in my heart', enjoining him to be firm 'and know that heaven is in the shadow of the swords'. This message ends with a post scriptum: *says Abu Imrane, that if there is still a need for foreign identity cards, he should go through brother Abu Ahmed, Souleymane will tell you how to contact him".*

g) The description of a dream of Khalid EL BAKRAOUI

<sup>169</sup> the investigation will reveal that it is Salah ABDESLAM

<sup>170</sup> PV 016132/16 (MOD15, C3, SF2, 24)

<sup>171</sup> Soulaïmane ABRINI died in Syria on August 4, 2014

<sup>172</sup> Annexe du PV 21986/18 d'audition d'Osama KRAYEM (MOD 9, C5, SF1, 17)



A document, dated 20 March 2016, contains a description of a dream in which Abu Walid <sup>173</sup> is accompanied by "Hamza" (alias of Sofien AYARI) and "Souleymane" (alias Ibrahim EL BAKRAOUI), he sets off his explosive belt while they are holding hostages, and his head rolls into the hands of 'Sheikh Adnani' and 'Abu Ahmed' (alias of Osama ATAR), while his body is transformed into a ball of fire to reach heaven. When he tells him his dream, Abu Ahmed is said to have told him that he was going to take part in a large-scale action and that he would be martyred.

h) A file entitled "to be done"

In this file written on 21 March 2016 at 21h 22, he talks about instructions:

- "work": "drilling the bins".
- "describe the situation" to "Ahmed" (and, in particular: "Address the targets, the situation, the way of working that will be adopted, solve the problem of the weapons...")
- "Writ our "Wassiya" (wills)

i) A file "Texte BEL"

A BEL text file dated 21 March 2016 at 22:43 is a claim of responsibility for the Brussels attacks: it is a message to the Belgian government urging Muslims to support the Islamic State and states that "As long as you continue to harm the interests of the Islamic State through your participation in this damned coalition, then you will have to accept being hit" <sup>174</sup>

6. About pictures found

The P.C. contains several photographs of the various protagonists taken in Rue Max Roos shortly before the attacks in Brussels <sup>175</sup>.

We thus discover :

- a photograph of Mohamed ABRINI sitting with his index finger raised, and Ibrahim EL BAKRAOUI on a mattress on the ground surrounded by machine guns posing in front of a wall on which the emblematic flag of the terrorist group Islamic State is hung, photographs of weapons, of Ibrahim EL BAKRAOUI alone or with Najim LAACHRAOUI taken in the same situation <sup>176</sup>
- photos of Osama KRAYEM or LAACHRAOUI wearing the same wig;
- a photo of Najim LAACHRAOUI, dated 5 March 2016, entitled "Ikrimah",
- the photo of Osama KRAYEM in military clothes
- various identity photos of two of the Stade de France bombers, identical to those on the false passports they used to enter Europe, <sup>177</sup> as well as of Khaled ALOMAR (alias of Adel HADDADI) and Faisal ALAIFAN (alias of Muhammad USMAN), both arrested in Austria and prosecuted in the context of the Muhammad USMAN), both arrested in Austria and prosecuted in connection with the Paris attacks;

<sup>173</sup> the investigation will show that it was written by Khalid EL BAKRAOUI

<sup>174</sup> The author says: "So support this state governed by the laws of Allah and 'strong' as best you can and if you cannot support it, then at least refrain from slandering and maligning its fighters. and if you cannot support it, then at least refrain from slandering and maligning its fighters.

<sup>175</sup> PV 15975/16 (MOD15, C3, SF2,9D)

<sup>176</sup> Note SE 8/4/16 (MOD 15, C2, SF2, 13) and PV15975/16 (MOD 15, C3,SF2,9D). See also PV 42297/16 (MOD15, C13,SF2,1

<sup>177</sup> Via the island of Leros on 3 October 2015

- photos from the Islamic State's propaganda magazine Dar Al Islam represent HADFI Bilal preparing to slit the throat of a prisoner, and AKROUH Chakib, both deceased in the Paris attacks;
- a photo, taken in the flat on rue Max Roos, shows the weapons that the cell:

(see picture in the original version, page 54).

The weapons were not found <sup>178</sup>

### C. EXPLOITATION OF OTHER ELEMENTS SEIZED

#### 1. General Information

The discovery of several objects scattered around the flat in rue Max Roos shows that the explosives used on 22 March 2016 were made by mobilising all the rooms in this flat.

Several receipts relating to purchases of utensils and precursors establish that on 3 March 2016, Osama KRAYEM and Ibrahim EL BAKRAOUI bought a Pyrex cup and a Curver plastic box at the "Blokker" shop on Rue Neuve in Brussels<sup>179</sup>.

On 5 March 2016, ten litres of acetone and ten litres of sulphuric acid were acquired at the "Brico Pala" store in Schaerbeek and syringes on 14 March 2016<sup>180</sup>.

The invoice dated 17 March 2016 indicates that the group purchases electrical equipment and tape from the CAPITANI store in Schaerbeek. On the spot, investigators capture the images of Najim LAACHRAOUI wearing a Peruvian bonnet, a wig and glasses<sup>181</sup>.

Metal bins and backpacks were purchased between March 17 and 21, 2016<sup>182</sup>

Both rue Max Roos and rue du Dries, we find fitness equipment (elliptical cross trainer, dumbbells): according to the cash receipt, it was bought at the Decathlon on March 12, 2016.<sup>183</sup>

#### 2. The rental agreement of the apartment

The rental contract for the apartment located in Schaerbeek 4 rue Max Roos on the 5th floor was signed on 21 January 2016 between the owner Bruno ARAUJO DA SILVA and the so-called Miguel DOS SANTOS for a one year term taking effect on 1 February 2016.

#### 3. STIB Travel Documents

<sup>178</sup> PV 041185/17 (MOD 15, C20, SF4, 14). The long guns were identified on the basis of the photos: they are (from left to right) a VZ 58 L, a CSA VZ 58 Compact, a Shotgun Mossberg Maeverick m.88 12 calibre, a M70AB2 Zastava and a VZ 58 L. The handguns could not be identified.

<sup>179</sup> PV 015246/16 (MOD15, C3, SF1, 15) and PV 16288/16 (MOD15, C3, SF2, 27)

<sup>180</sup> pv 19181/16 (MOD15, C5, SF1, 22B) and PV 017610/16 (MOD15, C4, SF2, 21)

<sup>181</sup> pv 14158/16 (MOD 6, C5, SF2, 45) et PV 13599/16 (MOD 6, C5, SF3, 9)

<sup>182</sup> PV 32174/16 (MOD15, C11, SF1, 30) and PV 48021/17 (MOD 15, C21, SF1, 6B)

<sup>183</sup> PV 48021/17 (MOD 15, C21, SF1, 6B)

Discovered near the corpse of Ibrahim EL BAKRAOUI, a MOBIB card allows to trace the routes made by the kamikaze.

The analysis of the images of the public transport attests to the movements of one or more persons between the apartments of the street Max Roos and the street of the Dries, but also travels in the city, including to City 2 in Brussels, for the purchase of items useful for the manufacture of bombs.<sup>184</sup>

Similarly, the analysis of the STIB<sup>185</sup> ticket found in the apartment of Max Roos street tells us that it was bought at the Monaco stop (near Dries street) on March 13, 2016 at 11:19 pm.<sup>186</sup> This probably concerns the movement of a member of cell<sup>187</sup> between the hideouts of rue du Dries and rue Max Roos.

#### **D. DNA ANALYSIS ON THE ITEMS SEIZED ON MAX ROOS STREET**

Numerous analyses were carried out on the objects seized in the apartment on rue Max Roos and revealed the presence of traces of DNA of the kamikazes.<sup>188</sup>

The DNA of Ibrahim EL BAKRAOUI is found on objects discovered in almost all the rooms of the apartment and in particular on several objects that transported or used in the manufacture of bombs, on the box of Flammazine and on one of the tissues found in the trash can left on the sidewalk;

The DNA of Khajid EL BAKBAQUI is found on various objects left in the entrance hall and living room;

The DNA of Najim LAACHRAOUI is collected from various bomb-making objects, a handle of the black wheeled travel bag (lobby), the handle of the bag containing the gun parts, and the guard Hand of the rifle, on five tissues of paper discovered on the sidewalk in the trash, on a wig, on the boxing cushion, and the box of Flammazine.

Other DNA at the scene shows that other people handled objects:

The DNA of Mohamed ABRINI is found in all the rooms of the apartment<sup>189</sup>

The DNA of Bilal EL MAKHOUKHI is raised on a plastic cup, on a handkerchief in paper and on a date stone found in the kitchen bin;

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<sup>184</sup> PV 48021/17 (MOD 15, C21, SF1, 6B)

<sup>185</sup> Ticket number ODD002194832CD844D

<sup>186</sup> PV 50064/16 (MOD15, C14, SF1, 8). Line 32 links Monaco Station and Verboeckhoven Station (Cage aux Bear»), near Max Roos Street

<sup>187</sup> It is Ibrahim EL BAKRAOUI because Khalid EL BAKRAOUI enters the building of the Avenue des Casernes on March 13, 2016 at 11:17 pm (cfr. PV 006379/19, MOD15, C28, SF1.1, page 593/723)

<sup>188</sup> March 2016 at 11 :17 PM (cfr. PV 006379/19, MOD15, C28, SF1.1, page 593/723)

<sup>189</sup> And especially on a glass in the kitchen, a toothbrush, a black comb, a hairbrush and a Gillette razor (in the bathroom), on the handguard of the weapon found in the hall, on a set of black headphones, on another white color (in the living room), on a grey cap, on a screwdriver, on the handle a brush, on two plastic cups, on two rubber gloves, on a wrench (in the kitchen) and on the ends of a cotton swab found inside the kitchen bin.

The DNA of Osama KRAYEM is found on an abandoned hairbrush in the lobby as well as several items seized in the room (a multiform key, boxing cushion and a Works drill);

The DNA of Hervé BAYINGANA MUHIRWA is present on both ends of the cotton swab on which ABRINI DNA is also found;

The DNA of Ali EL HADDAD ASUFI is found on the edge of a plastic cup thrown into the abandoned garbage can on sidewalk and gun guard (lobby);

The DNA of Sofien AYARI is found on the zipper of a Nike backpack seized in the kitchen.

Finally, experts identified unidentified DNA on the handle of a suitcase ("MAN1"), on the handle of a black bag ("MAN3"<sup>190</sup>) and on one of the five paper tissues found in the garbage can on the sidewalk ("MAN9").

#### **E. FINGERPRINTS REVEALED ON ITEMS SEIZED ON MAX ROOS STREET**

One of the findings of the forensic lab using fingerprints <sup>191</sup> was that the accused had handled several items in it:

Fingerprints of Ibrahim EL BAKRAOUI <sup>191</sup> are found in the living room on a TV and passport photographs found behind the television. <sup>192</sup>

Fingerprints of Ibrahim Mohamed ABRINI are taken from a piece of cardboard discovered in the bedroom and on plastic found in the kitchen

Fingerprints of Osama KRAYEM<sup>193</sup> are taken from the living room (on a fan <sup>194</sup> and on TV), in the kitchen (on pans, on thermal paper, on a Tetra Brik of milk thrown in a garbage can and the plastic packaging of a tea box); in the bedroom (on a small and large inside bucket of trash); in the entrance hall of the apartment (on a 30-litre inner bin bucket and on the 15-litre silver bin cover) and finally on the sidewalk (on a cardboard box of zinc-plated bolts in a <sup>195</sup>BRABANTIA bin package) <sup>196</sup>

Fingerprints of Najim LAACHRAOUI <sup>197</sup> are taken from various documents found on the living room chimney, books and a garbage bag <sup>198</sup>

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<sup>190</sup> MAN 3 (still unknown) is a DNA common to that found in a garage box located in the Liège region and in which weapons were found.

PV 16290/16 (MOD4, C9, SF1, 5), PV 18031/16, PV 13382/16 (MOD4, Cil and 12) and PV 18889/16 (MOD4, C26, SF1,1) (for fingerprint synthesis, cfr. PV 39289/16, MOD 15, C12, SF2, 15)

<sup>191</sup>

<sup>192</sup> PV 013095/16 (MOD6, C8, SF6, 1), PV 013801/16 (MOD4, C30, SF1, 1), PV 013381/16 (MOD6, C5, SF1, 32), PV 013382/16 (MOD4, Cil et 12), PV 014365/16 (MOD14, C17, SF1, 25) et PV 39289/16 (MOD 15, C12, SF2, 15)

<sup>193</sup> PV 13381/16, MOD6, C5, SF1, 32

<sup>194</sup> At this time of year, the presence of this fan can only be explained by the fact that the TATP had to be dried.

<sup>195</sup> Not the ones he bought, notes investigator PV 39139/16 (MOD9, C5, SF1, 7, 13)

<sup>196</sup> PV 46746/16 (MOD15, C13, SF1, 29)

<sup>197</sup> PV 36427/21 (MOD21, C3, 48C)

<sup>198</sup> PV 36427/21 (MOD21, C3, 48C)

On the other hand, the fingerprints of Khalid EL BAKRAOUI, Bilal EL MAKHOUKHI, Hervé BAYINGANA MUHIRWA and Ali EL HADDAD ASUFI are not found on rue Max Roos, while their DNA is present.

## **CHAPTER II: THE APARTMENT ON RUE DU PRIES. 60 IN FOREST**

### **I. THE DISCOVERY OF THE APARTMENT**

The apartment on rue du Dries is one of the ones used as a cache for the defendants. It was rented on 2 December 2015, after the attacks in Paris.

According to ABRINI, it was around January 10 that Osama KRAYEM, Salah ABDESLAM, Sofien AYARI, Mohamed BELKAID, Najim LAACHRAOUI and himself were grouped there. Ibrahim and Khalid EL BAKRAOUI visit regularly <sup>199</sup>

Investigators discovered this cache when, following the attacks in Paris, they seek connections from energy providers that are open based on false names attributed to members of the <sup>200</sup>terrorist group.

In doing so, they highlight that Khalid EK BAKRAOUI had an identity card made under the false identity of Mehdi VANDENBUS to ask the Lampiris company to open an electrical connection for an apartment located in Forest rue du Dries 60.

The investigation reveals that this connection was opened at the time of lease <sup>201</sup>and that on January 10, 2016, the tenant sent an email from his e-mail address mehdivandenbus@hotmail.com , requesting the termination of contract <sup>202</sup>

### **II. EXECUTION OF THE SEARCH AND ATTEMPTED MURDER OF POLICE WORKERS**

In view of the circumstances, the investigating judge in charge of the case relating to the attacks in Paris issued a search warrant for this address.

This search was carried out on 15 March 2016 at 14:20 by a joint team of Belgian and French investigators who arrived at number 60 of rue du Dries in Forest.

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<sup>199</sup> PV 48021/17 (use of recovered MOBIB board), MOD15, C21, SF1, 6B

<sup>200</sup> PV 49369/17 (MOD15, C21, SF1, 14). In a separate file (BR.10.FI.4167/15), the PJF of Brussels, in November 2015, dismantled a network of criminals who made false documents. Of these, several identity documents were found on which were affixed photos of members of the terrorist group. Thus, the matrices of the false documents of Khalid EL BAKRAOUI (alias VANDENBUS Mehdi, alias Ibrahim MAAROUFI), KRAYEM (alias SAKIRE Samir) were found, LAACHRAOUI (alias KAYAL Soufiane), BAKKALI (alias Fernando CASTILLO, alias Algerto MALONZO), ALKHALD (alias ALQADHI Mohammed Nawar), AYARI (alias ALHAJ AHMED Monir) and BELKAID (alias BOUZID).

<sup>201</sup> The first and only Lampiris invoice concerns the period from 1 December 2015 to 29 February 2016 (PV 11862/16 from "B-PARIS", C134, SF1, 33)

<sup>202</sup> The apartment's counters were not actually cut until 10 February 2016, one month after receiving the email sent by Mehdi VANDENBUS.

The occupant of the ground floor Rachid SALHI immediately informs the police that two young people, discreet and mysterious, have been staying in the apartment on the first floor for about five months <sup>203</sup>

After identifying themselves, knocking and looking under the door to detect a possible presence, the police decide to break down the door with a ram.

When the door gives way, the policemen are immediately the target of fire from Kalashnikov.

They respond immediately and withdraw as quickly as possible.

Two police officers fell, while another was shot in the hip.

While the police are waiting for reinforcements, one of the neighbours informs them that they saw two people fleeing through the roofs and gardens located at the back of the houses.

The Federal Police Special Units arrived as reinforcements at 3:23 pm and entered the suspect building.

While on the first floor landing, the head of this team noticed a trace of blood on the ground extending to the room to the right of the entrance. He sees in this room a man lying on a mattress and immediately hears a gunshot. He is hit in the head and loses consciousness.

The officer was immediately evacuated from the building by his colleagues who remained on the intermediate landing with the first-floor door at gunpoint.

According to one of the police officers, at some point, after having «mumbled» something inside the apartment, an individual goes out on the landing and shoots in the direction of the police officers in the stairwell. Police respond before withdrawing from the building.

The man entrenched in the apartment shoots again in the direction of a police dog equipped with a camera, which will be immediately recalled.

At 04:55 p.m, a sniper on the opposite roof fired several rounds of tear gas into the dwelling to dislodge the occupant(s). These grenades set fire to textile fabrics, creating a fire that is quickly controlled but does not have the desired effect on the individual, who is finally neutralized by the sniper at 6:05 p.m.

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<sup>203</sup> PV 13688/16 (MOD14, C2,SF1, 35) et PV 14676/16 (MOD 14, C2, SF1, 36)

*Pour traduction conforme et ne varietur  
de la langue française  
vers la langue anglaise.*

*Fait à Bruxelles, le 10 juillet 2022.*

**VTI 2298088**

*Michal DARMON, traductrice jurée.*





Translation

**III. A MAN LOSES HIS LIFE**

**1. Identification of Mohamed BELKAID**

The body found on the scene was rapidly identified as being Mohamed BELKAID, born on 9 July 1980, of Algerian nationality. He has a shaved head, wears a beard and has a "prayer callus" on his forehead.<sup>205</sup>

Cross-referencing his fingerprints allowed us to establish that Mohamed BELKAID has lived in Spain and has also been screened in Slovenia. He has also been identified in Belgium for pickpocketing in 2014. He thus lived in Belgium at that time.

Mohamed BELKAID has furthermore resided in Sweden illegally where he was said to be married. Osama KRAYEM states that BELKAID was incarcerated in that country for robberies he committed. Osama KRAYEM notes that he didn't know BELKAID until they met in Syria.

Aside from these elements, the enquiry reveals very little about Mohamed BELKAID's biography. The inquiries in France didn't result in obtaining more details about his course of life<sup>206</sup>.

**1. A fighter who climbed the ranks of the terrorist group Islamic state.**

Investigators were able to retrieve Mohamed BELKAID's registration form when joining the Islamic State.

At the time he arrived in Syria on April 2014 without having any combat experience, Mohamed BELKAID asked for a kamikaze role. His passport is "consigned" to a terrorist group<sup>207</sup>.

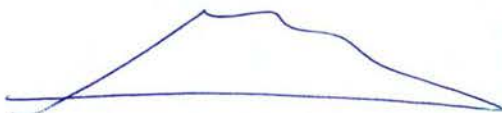
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<sup>204</sup> PV 12294/16, from "B-PARIS", C 134, SF1, 48

<sup>205</sup> PV 15087/16, MOD14, C2, SF1, 12

<sup>206</sup> The French Public Prosecutor writes in his statement: "The enquiries didn't allow us to retrace in detail Mohamed BELKAID's steps. Limited information was collected by the investigators. Based on cross-referencing papillary prints, the Spanish authorities retrieved multiple

Je jure avoir rempli ma mission en honneur et conscience, avec exactitude et probité



Translation from Arabic

In the name of Allah the Merciful, Hail to Allah  
The Islamic State in Iraq and in the East (EIL)  
"The Islamic State in Iraq and in the Cham" (Daesh)  
(ad-dawia al-Islamiyya fi-f Iraq wa-s-sam  
General Frontier Office

Slogan: La ileha life Ailah  
(« there's only one God" or "Point of divinity outside of God " and Mohamed is his messenger")

**DESCRIPTION CARD OF MOUDJAHID (FIGHTER)**

1. Name and First name	<b>Belkaid Mohammad</b>
2. Alias	<b>Abu Abdulaziz Al Jazairi (Algeria)</b>
3. Name of the mother	<b>Huwria</b>
4. Blood type	<b>O</b>
5. Date of birth and nationality	<b>09/06/1980 – Algerian</b>
6. Family situation	<b>(1) Single ( ) Married ( ) Children</b>
7. Address and place of residence	<b>Sweden (Stockholm)</b>
8. Education level	<b>Average</b>
9. Level of religious knowledge	<b>Basic</b>
10. Former occupation	<b>Old-school pastrycook</b>
11. Countries visited and duration of stay	<b>Spain – Germany – France</b>
12. Passage point? The people smuggler?	<b>Tell Abyad (Syria)</b>
13. Are you baptized? If yes, by whom?	<b>Not baptized</b>
14. Entry date	<b>19/04/2014</b>
15. Have you ever fought before and where?	<b>No</b>
16. Role: Fighter or Suicide fighter (Kamikaze)	<b>Kamikaze (Suicide fighter – Candidate martyr)</b>
17. Qualification	<b>( ) Fighter ( ) Religious ( ) Security ( ) ( ) Administrative</b>
18. Current place of work	
19. Consigned objects	<b>Passport</b>
20. Obedience level	
21. Contact information (phone numbers)	<b>"Brother" Mohamed: (+213) 557 500 517</b>
22. Time and place of death	
23. The Islamic State in Iraq and in the Cham	<b>General Frontier Office</b>
Seal of Daesh	<b>"Classified"</b>

At the time of his enlisting as fighter of the terrorist group *Islamic state*, Mohamed BELKAID is identified by the kunya "Abou Abdulaziz Al Jazairi". He says to be single and to be from Stockholm (Sweden)<sup>208</sup>.

The enquiry into the Paris attacks brings to light that Mohamed BELKAID arrives in Belgium on 10 September 2015 in the company of Najim LAACHRAOUI. Both vehicles are driven by Salah ABDESLAM from Hungary<sup>209</sup>. Mohamed BELKAID travels with false papers drawn up under the name Samir BOUZID.

On 17 November 2015, around 17 hrs., Mohamed BELKAID goes to a phone-shop on the rue du Pavillon 80 in Schaerbeek<sup>210</sup>. He wires under the fake name BOUZID 750 € from Western Union to the cousin of Abdel Hamid ABAAOUD, Hasna AIT BOULAHSEN, who harbours ABAAOUD and AKROUH who are on the run after the Paris attacks.

<sup>208</sup>His education level is "average" and his religious knowledge "basic". He also says to be an old-school pastrycook and to have lived in Spain, Germany and France.

<sup>209</sup> PV 12493/16, added by PV 23575/19, MOD9, C7, SF7, 2

<sup>210</sup> PV 35630/17 added by PV 008226/18 (MOD15, C23, SF1, 9)

As of 4 December 2015, the date when the press publishes the photos of Soufiane KAYAL and Samir BOUZID<sup>211</sup>, Mohamed BELKAID must, like Najim LAACHRAOUI, Salah ABDESLAM and Mohamed ABRINI, act as discretely as possible.

In Belgium, Mohamed BELKAID hides in multiple appartments<sup>212</sup>: his DNA places him in Jette and at the rue Henri Bergé<sup>213</sup>.

### **3. “The Emir of Forest”**

Mohamed ABRINI refers to BELKAID as being “the emir of Forest”<sup>214</sup>.

Mohamed BELKAID has an undeniable impact on the others<sup>215</sup>: Sofien AYARI<sup>216</sup>, Mohamed ABRINI<sup>217</sup> and Osama KRAYEM<sup>218</sup> ask him for advice. They all listen to him and consider him the emir of the group, a man of reference and the man on whom they can rely.

According to Osama KRAYEM, BELKAID actually wanted to die in Europe in the face of the enemy. He was on a “mission” here, *he was a soldier of the Islamic state*<sup>219</sup>.

Osama KRAYEM also confirms that there was, prior to the Brussels attacks, a project that, as it was indicated in the magazine Dabiq, had to be finalised<sup>220</sup>.

According to the magazine Dabiq, *he was a man full of wisdom, the leader of a group of fighters “inghimasi. Loved by all of his brothers, he was known for his fasting, his prayers during the night and his constant reading of the Coran”*<sup>221</sup>.

### **IV. TWO MEN ON THE RUN**

When the shooting exchange starts, two men jump on the roof of the kitchen<sup>222</sup> of the ground floor and escape by the gardens situated at the back.

Georges VADUVA, a neighbour, films them with his telephone<sup>223</sup> and describes the flight of “those persons (who) descended from a roof via a low wall”. The man having a big black beard was carrying

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<sup>211</sup> PV 11874/19 (MOD15, C26, SF2, 56)

<sup>212</sup> He is also in Auvelais, during the preparations of the Paris attacks

<sup>213</sup> He’s there when KRAYEM return from Schiphol on 13 November 2016.

<sup>214</sup> Note NS (National Security) 21 October 2019, analysed by the PV 36325/19 (MOD 15, C31, SF3, 23b)

<sup>215</sup> See his attitude on the images of the phone-shop when he’s on the phone with Hasna AIT BOULAHSEN

<sup>216</sup> PV interview JI PANOU, MOD14, C3, F2, SF3, 2

<sup>217</sup> Who talks of “the emir of Forest” (PV 36325/19, MOD 15, C31, SF3, 23b and the note SE of 7 October 2019

<sup>218</sup> PV 12436/19 (MOD9, C7, SF6, 7) and PV interrogation of JI PANOU, 4 November 2016, added by PV

47688/16 (MOD9, C5, SF1, 10)

<sup>219</sup> PV interrogation of KRAYEM of JI PANOU of 4 November 2016, added by PV 47688/16 (MOD9, C5, SF1, 10).

<sup>220</sup> PV 21986/16 (MOD 9, C5, SF1, 17)

<sup>221</sup> Suicide fighters of special forces

<sup>222</sup> The roof where two distinctive foot prints were found (PV13734/16, MOD14, C5, SF1, 11)

<sup>223</sup> PV 11849/16 (MOD14, C2, SF1, 25) and PV12253/16 (MOD14, C2, SF1, 26)

*a weapon of war around his neck*". He was very fast, despite the fact that he was wearing a djellaba. He was followed by a smaller man wearing "*a dark track suit and bright sneakers*".

They go through the Rue de l'Eau, perpendicular to the rue du Dries, crossing the ground floor of the house situated at number 9 of which the backdoor facing the kitchen was left open.

When passing through the apartment, the two fugitives are confronted by the owner of the premises, his wife and their daughter, Chaïmae CHERRABI.

In his interview<sup>224</sup>, the latter explains to the investigators they had seen two men entering the apartment through the kitchen. One of them said to them "we won't do you harm, the door please, the door".

Chaïmae CHERRABI says she was being terrorised but despite of it all had shown them the door guiding him with the arm. She sees that one of the men is wearing a gun that he kept along his leg. Before leaving the scene, that man takes a scarf with him that belonged to her.

The gun is finally found hidden under the scarf behind the entry door of the flat.

The two men are arrested three days later, on 18 March 2016, and identified as being Sofien AYARI and Salah ABDESLAM. On 23 April 2018, they will both be sentenced by the correctional court of Brussels to a punishment of 20 years of imprisonment for attempted attack on police officers, with the circumstance that this offence constitutes a terrorist offence under article 137, §2, 9°, of the Penal Code and for holding prohibited fire arms with the circumstance that this offence constitutes a terrorist offence under article 137, §2, 9°, of the Penal Code.

## **V. THE APARTMENT: HIDEOUT FOR MEMBERS OF THE BRUSSELS CELL<sup>225</sup>**

When discovering one of the hideouts that was still occupied by members of the terrorist cell, investigators were able to define the activities of the terrorist group, to identify the occupants and link their activities to the Brussels attacks.

### **1. Location of the apartment**

The apartment is located on the first floor of a flat situated at Forest, not far from the place Saint Denis and the Volkswagen-Audi factories. It consists of three main connected living rooms, a furnished kitchen and a bathroom with shower.

The couple Biying CHEN and Houning QIAN, owners of the premises, explain having met a certain Mehdi VANDENBUS who responded to an ad on Immoweb.

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<sup>224</sup> PV 10527/17 (MOD14, C2, SF1, 17)

<sup>225</sup> PV 13649/16 index enquiries and photos house search rue du Dries (MOD 14, C5, SF1, 9)



After visiting the place once, they sign a one-year lease on 2 December 2015<sup>226</sup>. The tenant explains that he will live by himself at the address, adding that his girlfriend lives abroad. Biying CHEN<sup>227</sup> tells us that the candidate tenant looked like the photo on his ID and was wearing a bonnet. Houming QIAN<sup>228</sup> indicates that Khalid EL BAKRAOUI (alias Mehdi VANDENBUS) has given her a security deposit of 2 months and the rent for the first month in cash<sup>229</sup>.

The owners of the apartment have exchanged multiple text messages and phone calls with their tenant. A lot of telephone exchanges took place between the number "32487354943" of Mehdi VANDEBUS (i.e. Khalid EL BAKRAOUI) and the owners of the apartment<sup>230</sup>.

## **2. Description of the apartment on the rue du Dries**

### **a) In the main room<sup>231</sup>**

The front door opens to the main room where a hand-made flag of the terrorist group *Islamic State* is hanging on the wall.

A computer, numerous books especially religious ones about the Salafist movement, lots of documents and other things of everyday life are found in this room.

Clothes of different sizes are hanging on the coat rack in the living room (one of the vests contains a packet of Marlboro's and 2 tickets to "JUMP").

Besides the objects of everyday life, one finds in the room halters and a bicycle Domyos, an armchair and three mattresses, of which one with a eiderdown cover on which lays a black cell phone of the brand SAMSUNG.

Things that particularly catch the investigator's attention in this room are:

- 1 charger for Kalashnikov with 17 cartridges;
- On a small table: 3 letters and 2 envelopes<sup>232</sup> composed by Salah ABDESLAM<sup>233</sup>;
- A big fire-extinguisher<sup>234</sup>.

### **b) In the room on the street side**

It's in this room that Mohamed BELKAID has been deadly wounded.

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<sup>226</sup> PV 11943/16 (MOD 14, C2, SF1, 23)

<sup>227</sup> PV 11944/16 (MOD 14, C2, SF1, 24)

<sup>228</sup> PV 11944/16 (MOD 14, C2, SF1, 23)

<sup>229</sup> The remaining rent money shall be deposited by Mehdi VANDENBUS via the bank of the post until 1 March 2016 (PV 19400/16 from the "B-Paris" Carton 85, SF1, 34)

<sup>230</sup> On site the cell phone SAMSUNG supporting the SIM card "0487354943" is seized

<sup>231</sup> PV 12561/16 (MOD14, C2, SF1, 19)

<sup>232</sup> Correction of the inventory see PV 13649/16 P 10 (MOD 14, C5, SF1, 9): there were no 5 letters, but 3 in the post 1c/040

<sup>233</sup> PV 14551/16, MOD14, C5, SF1, 14 (POE (pieces of evidence) n° 1607860 post 11: +1c/040)

<sup>234</sup> PV 12561/16 (MOD14, C2, SF1, 19)

His body has been identified based on his fingerprints<sup>235</sup>.

At his side rests a machine gun with a retractable butt. The fire arm's serial number is P36055<sup>236</sup>.

In this same room investigators found objects of everyday life, numerous books of which many of a religious nature (namely "*La citadelle du musulman*") (Fortress of the Muslim)

Investigators also found:

- a big transparent plastic bin similar to those discovered in rue Max Roos<sup>237</sup>;
- ten full Kalashnikov chargers stored in the wardrobe,
- numerous munitions,
- un cell phone brand SAMSUNG
- two tablets and a laptop,
- fake ID's in the name of Amine CHOUKRI and Monir ALHAJ AHMED, both of which are aliases of Sofien AYARI.

In the drawer of the buffet cabinet, there is "a visor Tasco"<sup>238</sup> what seems to be a telescopic sight adjusted for sport shooters and, in the same drawer, mail in the name of Mehdi VANDENBUS dated 18 December 2015.

Hidden under the cabinet, 13 fuses (fireworks)<sup>239</sup> are found in a plastic wrapper.

c) In the room on the side of the garden

The room on the side of the garden seems to serve as the dining room and exercise room with a work-out bench, a home-trainer brand Domyos and a bar with bar-bells.

In a box found under the table, two electric detonators of Yugoslavian origin are found with wires<sup>240</sup>. The bomb squad that was called on site explains that we are dealing with two active detonators of commercial manufacturing used as a primary explosive devise by firms active in the mining industry.

Also SIM cards are found, two SAMSUNG Galaxy tablets (with a receipt dated from 17 December 2015 from the shop Connect Phone located in the area), one empty box of munitions, headlamps and a pair of glasses.

A receipt from Delhaize in la Chaussée de Neerstalle close by, dated from 22 February 2016, indicates that a rolling pin was bought.

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<sup>235</sup> PV 14510/16 (MOD 14, C5, SF1, 13) and 12294/16 (MOD 14, C3, SF2, 4, 1)

<sup>236</sup> PV 29866/18 (MOD 14, C5, SF1, 18) and PV 13649/16 (MOD14, C5, SF1, 9 (photographs 409 and following)

<sup>237</sup> 13649/16 (MOD 14, C5, SF1, 9) photograph 79

<sup>238</sup> 13649/16 (MOD 14, C5, SF1, 9) photographs 170-171

<sup>239</sup> 13649/16 (MOD 14, C5, SF1, 9) photograph 205

<sup>240</sup> 12863/16 (MOD14, C5, SF1, 7) (photograph 44-49). There was no usable trace found on this box (PV 14572/16, MOD14, C5, SF1, 15)

d) In the bathroom

Apart from the usual objects (toothbrushes, hair combs, sponges, towels, ...), a manual for hair colouring is found in the sink.

e) In the kitchen

Besides the classic objects (victuals, bottles, plastic gloves, garbage bin, soap, ...), a Christmas garland is found underneath the sink<sup>241</sup>.

Are also found, a number of sacks (Delhaize, Aldi, Gamma, Celio, Match, a sack with the inscription "*Weko feuerwerk* – [www.weco-pyro.de](http://www.weco-pyro.de)") as well as a sack from the butcher shop Badr (located in the rue Marie-Christine 199 in 1020 Brussels)

The refrigerator is used (there is food inside). He's plugged in, but in the absence of electricity, he doesn't work.

Besides a hob there is a gas cannister. It's empty and not connected to the hob. This gas cannister was bought by the occupants because there is also a receipt found of the Gamma that dated from 10 February 2016 for a gas cannister, a screwdriver, a clamp and a reduction valve.

3. Description of objects seized at the Rue de l'Eau, 9<sup>242</sup>:

After having entered into the apartment rue de l'Eau, 9 by the backyard, the fugitives disposed of their fire arms and two chargers before leaving the premises through the front door, probably for discretion concerns.

Investigators find in fact in the hall behind the front door a weapon of war type Kalashnikov, loaded with munition. The charger contains 21 munitions. The fire arm is wrapped in a beige scarf that they took from Chaïmae CHERRABI when the fugitives crossed the house.

Ballistics will show that this fire arm<sup>244</sup> was used during the shootout on the rue du Dries. In total 8 cartridges from this fire arm were found.

On the steps of the staircase leading down to the floors in the entrance hall of the rue de l'Eau, two other chargers type Kalachnikov are found. Those chargers are filled with 30 munitions each.

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<sup>241</sup> PV 12561/16, MOD 14, C5, SF1, 19

<sup>242</sup> PV 12068/16, (MOD 14, C5, SF1, 1) and 12373/16 photographs (MOD14, C5, SF1, 5)

<sup>243</sup> PV 12373/16 (MOD 14, C5, SF1, 5)

<sup>244</sup> POE 7676/16 post 2,

<sup>245</sup> A cartridge is in fact found in rue du Dries on the landing, 4 cartridges in the main room and 3 in the room before, while fire arm VZ58 that was found in rue du Dries next to Mohamed BELKAID fired 13 bullets.



Next to the chargers there's a clothing ("blue tunic/djellaba"<sup>246</sup>) in which we find a black Samsung cell phone, a chew stick and its plastic packaging.

#### **4. The DNA analyses and cross-references of the prints with the pieces of evidences.**

Several DNA profiles are found on the abandoned objects in the entry hall of the flat located in the rue de l'Eau g<sup>248</sup>.

DNA of Salah ABDESLAM is found on the chew stick that was found in the pocket of the tunic as well as on the packaging<sup>249</sup>. Likewise, the experts determine that his DNA is present on the beige scarf and the tunic;

DNA of Sofien AYARI is found on the tunic, on the trigger, the handgun, hand guard and the charger for the Kalashnikov, as well as on the two other chargers;

DNA of Osama KRAYEM is found on the trigger, the handgun and the charger for the Kalashnikov;

DNA of Mohamed BELKAID is present on the hand guard of the Kalashnikov, on the cartridges and on two of the chargers

DNA of Brahim ABDESLAM, deceased in Paris on 13 November 2015, is present on the tunic;

Lastly, DNA of Ibrahim EL BAKRAOUI is found on one of the chargers for the Kalashnikov.

Based on the analysis of samples of the fingerprints<sup>250</sup> and DNA<sup>251</sup> taken in the apartment in the rue du Dries, 60, investigators can confirm that books and clothes are moved from hiding place to hiding place before ultimately being found in Forest after the Paris attacks<sup>252</sup>.

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<sup>246</sup> The first PV which was drawn up at the moment of the discovery qualified this clothing as "T-shirt" (PV11925/16, MOD14, C2, SF1, 15).

<sup>247</sup> PV012068/16, MOD 14, C5, SF1, p. 1 and PV 037804/17, MOD14, C2, SF1, 46

<sup>248</sup> PV27243/16 (MOD 14, C4, SF2, 3)

<sup>249</sup> PV27243/16 DNA analysis based on the reports 16/0447 and 16/0468 of the expert DEFORCE (MOD 14, C4, SF2, 3)

<sup>250</sup> PV 13649/16 (MOD 14, C5, SF1, p. 9), PV 12863/16 (MOD14, C5, SF1, 7), PV 18136/16 (MOD14, C5, SF1, 17) and PV 14572/16 (MOD14, C5, SF1, 15)

<sup>251</sup> In fact there are found:

- The fingerprints of Abdel Hamid ABAAOUD, deceased in Paris on 18 November 2015, on a book "*La conquête de l'Egypte*" (The Conquest of Egypt)
- The prints of Samy AMIMOUR, deceased in the Bataclan on 13 November 2015, on two books ("*La citadelle du musulman*" (Fortress of the Muslim) and "*Ainsi étaient nos pieux prédécesseurs*" (As were our pious predecessors) as well as on a little black Quran,
- The prints of Bilal HADFI deceased in the Stade de France on 13 November 2015, on a little blue Quran, and his DNA on a navy blue vest,

Furthermore, cross-reference of DNA and fingerprints shows that multiple persons have manipulated the objects that were found in this hiding place:

Mohamed ABRINI leaves his DNA on a black Polar sweater<sup>253</sup>

Salah ABDESLAM particularly leaves his prints on various objects of everyday life (dishes, glasses, bottles,...), on multiple books "*Le Saint-Coran*", "*La citadelle du musulman*" (Fortress of the Muslim), "*Ainsi étaient nos pieux prédécesseurs*" (As were our pious predecessors) and "*L'authentique de l'exégèse d'Ibn Kathir*" (The authenticity of the Exegesis by Ibn Kathir), on the three letters he has written for his family and on the plastic wrapping of the home trainer Domyos<sup>254</sup>. His DNA is also found on objects of everyday life (on among which a flask of Hextril, a black bonnet, a white pillowcase, white earflaps, a watch, a grey vest, a headlamp,...) as well as on a bullet (found in the wall) and a Kalashnikov charger.

Sofien AYARI particularly leaves his prints on the packaging of the fireworks Maser Blaster<sup>255</sup>, on a SIM-card holder, on a packaging of frangipanes, on mail from Lampiris<sup>256</sup> and on 2 tickets "JUMP" from the STIB (Brussels Intercommunal Transport Company). His DNA is also found on various clothing (a grey vest, a hat, a training vest, a blue bonnet, the black Polar sweater), on objects of everyday life (a brown pillowcase, two toothbrushes, glasses, the handle of dumb-bells, earflaps, a watch,...) as well as on the handguard, the handle of a Kalashnikov and one of the chargers.

Mohamed BELKAID particularly leaves his DNA on clothing (a black T-shirt with long sleeves, a hat, a grey vest, a navy blue vest, a black Polar sweater,...), objects of everyday life (a pair of glasses, flask of Hextril, two headlamps, two toothbrushes, the handles of the home trainer ...) and on fire arms (on 10 cartridges, the Kalashnikov found close to him and a charger). His prints are also discovered on another Kalashnikov chargers, a plate and a jug.

Osama KRAYEM also leaves his prints on the objects of everyday life (namely an Arabic book with a cover in colour, a chocolate wrapper, a headlamp and a plastic bottle), on clothes (namely a hooded sweat-shirt, a bonnet, a black Polar sweater, ...) and on a charger.

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- A print of Ismael MOSTEFAI, deceased in the Bataclan on 13 November 2015 on the book "*Ainsi étaient nos pieux prédécesseurs*" (As were our pious predecessors). All the before-mentioned persons are deceased even before the apartment on the rue du Dries was rented by the group

<sup>253</sup> Report of the expert DEFORCE 16/4447 (MOD14, C4, SF2, 1)

<sup>254</sup> PV 14551/16, MOD 14, C5, SF1, 14

<sup>255</sup> PV 13866/16, MOD 14, C5, SF1, 12

<sup>256</sup> PV 29973/16, MOD 14, C5, SF1, 18

Najim LAACHRAOUI particularly leaves his DNA on a charger and his prints on multiple books.<sup>257</sup>

DNA reports reveal that certain clothes were worn by multiple protagonists<sup>258</sup>.

This confirms the words of Mohamed ABRINI who declares to have lived in this apartment with Sofien AYARI, Salah ABDESLAM, Mohamed BELKAID, Osama KRAYEM and Najim LAACHRAOUI.

#### **5. Analysis of the computer found in the rue du Dries**

A laptop of the make HP, model Elitebook 8440p is found on the head of the bed in the apartment on the first floor. Used by Najim LAACHRAOUI in the Barry Hotel<sup>259</sup>, this computer is then used by the occupants of the rue du Dries. It concerns a PC which was seldom connected to the Internet. The PC was lastly used on 15 March 2016 at 7.16 hrs.

There is no password protecting access to its content.

##### **a) Content**

Apart from a couple of unclassified files, the desktop is organized under the following web directory tree<sup>260</sup>:

1. "Actu"
2. "Coran"
3. "J"
4. "new"
5. "Nouveau dossier (2)"
6. "Reportage"
7. "saeed"
8. "salah"
9. "TrueCrypt"

Investigators find there especially a multitude of documents, videos, films, photographs, texts, preaches, games and music, in French, Arabic

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<sup>257</sup> DNA report DEFORCE 16/0447, MOD14, C4, SF2, 1 and PV 36427/21, MOD21, C3, 48C

<sup>258</sup> So there is for example DNA found of BELKAID, AYARI, ABRINI and KRAYEM on the black Polar sweater, DNA of BELKAID, AYARI and Salah ABDESLAM on a hat, DNA of Salah ABDESLAM, KRAYEM and BELKAID on a red headlamp. A pillowcase carries furthermore the DNA of Salah ABDESLAM and AYARI.

<sup>259</sup> Where he was briefly hiding

<sup>260</sup> PV12576/16, MOD14, C4, SF3, 2

and English, but also searches for targets, fire arms and a certain interest for training and combat<sup>261</sup>.

In this respect the following are worth being investigated:

- **The file named "salah"**, created on the desk on 27 February 2016 and on 8 March 2016, is divided into multiple subfiles named for example "*attentats*"<sup>262</sup>, "*Coran*", "*merah*", as well as another entitled "*Pour AbdRahmane*". Those contain reports as well as videos from the Internet and from "*documentation religieuse*" (religious documentation)<sup>263</sup>, which will be expounded in the chapter dedicated to Salah ABDESLAM (see infra).
- **The file "nouveau dossier (2)"** which is particularly voluminous consists of multiple subfiles containing jihadist documentation (preaching, Arabic books, chants, videos, chronicles drawn up by the terrorist group Islamic state):

In particular a submap "*équipements*" is discovered containing photographs of military clothes, among which tactical vests, camouflage vests and trousers, the photograph of two Kalashnikovs on a display, as well as a screenshot of a site that sells that kind of material. There's also a submap "*reportages*" which contains more than forty video reports with themes such as security, police, private army or military groups, the attacks, border control France-Belgium, kamikazes, infiltrators, false papers and passports or also corruption.

In this "nouveau dossier 2", there's also a subfile "*études*" containing reports on nuclear alerts, nuclear plants and high-risk factories, as well as screenshots of two newspaper articles about the nuclear reactor of "Doel 1" and doubts cast over the security of nuclear power plants. According to the date of the article, this file was created after 30 December 2015<sup>264</sup>.

Google searches allow the investigators to date certain downloads and to know that as of the month of December 2015, member of the cell are interested in the internet browser "Tor" while the software "TrueCrypt" has been installed since 14 Mai 2015 on the PC.<sup>265</sup> They are interested in anthrax on 1 December 2016.

In the deleted files, investigators discover 4 passport photos representing Muhammed USMAN (alias ALAIFAN Faysal) and Adel HADDADI (both arrested in Austria) as well as Ahmad AL MOHAMMAD (deceased in the Stade de France) and Ismaël Omar MOSTEFAI (deceased in the Bataclan).

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<sup>261</sup> PV 011932/16, added by PV 20979/16, MOD15, C30, SF1, 10

<sup>262</sup> PV 12576/16, MOD14, C4, SF3, 2

<sup>263</sup> PV 13624/16, MOD14, C4, SF3, 4

<sup>262</sup> PV 12903/16, MOD14, C4, SF3, 3

<sup>262</sup> PV 11932/16, MOD14, C4, SF3, 1 (and also added by PV 20979/19, MOD15, C30, SF1, 10)

Investigators have succeeded in retrieving photographs that had been deleted, and some of which seem to indicate other potential targets for violent actions in France and Belgium<sup>266</sup>.

- Places targeted in France, 4 French military schools for land forces, the Museum of Lille, the city of Lyon,
- Places targeted in Belgium: the port of Antwerp, home office of the Belgian Prime Minister, a general from the Belgian army, the barracks of Flawinne or also a kindergarten and primary school of Houthalen on a handwritten plan that mentions the existence of "*dizaines de crèches*" (dozens of day-care centres).

On January 2016, a file "16, Rue de la Loi » (home office of the Belgian Prime Minister) is created<sup>267</sup>. At the same time, the cell is also interested in an newspaper article entitled: "*Cyber sécurité en Belgique, il est urgent d'investir*" (Cyber security in Belgium, it's urgent we invest in it)<sup>268</sup>, does Google searches for how to make silencers based on objects from everyday life, are interested in plutonium and consults a manual about snipers.

Investigators also establish that on February 2016, they consulted the Internet on shaped charges<sup>269</sup>, on acetone peroxyde<sup>270</sup>, on trainings, clothing and military accessories.

Lastly, on 8 March 2016, a news report entitled "Connaissez-vous vraiment les abeilles" (Do you really know the bees)" has been downloaded. The report is about three young fighters in Syria, which ends with a car bomb attack in which they had taken place.

#### b) Cross-reference with the PC found in the dumpster in the rue Max Roos

Investigators have cross-referenced the content of this computer with that from the PC found in the rue Max Roos<sup>271</sup>. This shows that many files (the articles taken from la Dernière Heure (Belgian newspaper), the photos of 16 rue de la Loi, the photos of fire arms, the French targets, the Belgian nuclear sites, the videos of the EI,...) are identical. The program TrueCrypt had been installed in both PCs.

Discovering the same files can be explained by the fact that external media (tablets, USB sticks,...) were inserted regularly in the computers.

From the 22 USB sticks and other external media inserted into the PC found in the rue Max Roos, 9 are identical to those that were inserted into the PC of the rue du Dries. Among those media devices inserted into the two PCs, investigators reveal :

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<sup>266</sup> PV 17213/16 (MOD 14, C4, SF3, 6)

<sup>267</sup> PV 13624/16 (MOD14, C4, SF3, 4, (attachment page 1)

<sup>268</sup> PV 13624/16 (MOD14, C4, SF3, 4, (attachment page 2)

<sup>269</sup> PV 17213/16 (MOD 14, C4, SF3, 6) and 13624/16 (MOD 14, C4, SF3, 4)

<sup>270</sup> PV 12677/16 (attachment 4), added by PV 20979/19, MOD15, C30, SF1, 10

<sup>271</sup> PV 42297/16, MOD 15, C13, SF2, 1

- that an external media named "Adrien Ivan", corresponding to a tablet of the make SAMSUNG, has been connected to the PC of the rue du Dries on 10 March 2016 at 19.01 hrs<sup>272</sup>.
- That the USB stick TDK LoR TF10 seized with Ali EL HADDAD ASUFI<sup>273</sup> has been inserted into the PC of the rue du Dries on 10 February 2016 at 18.00 hrs.
- That other sticks, which have not been found during the duration of the investigation, have been inserted into the PC of the rue du Dries on different dates between 7 December 2015 and 13 March 2016.

On the computer of the rue du Dries, there have also been found instruction videos for assembling and disassembling the pistol Remington 1911 or for installing a silencer on this fire arm. These files have been subsequently copied to a USB stick. There's knowledge (cfr. supra) of those files being consulted on the computer found in the rue Max Roos on 19 and 21 January 2016.

## **6. Study of the tablets**

a) A first Samsung tablet Tab 3 Lite – SM-T116 has been found on site<sup>274</sup>. It has no memory card nor a SIM card.

It's only use was to watch videos in Arabic or sub-titled in French on which there were religious discourses, propaganda videos for the group Islamic state, war scenes, executions of prisoners or speeches by fighters. Some of the images are particularly violent and brutal.

b) A second Samsung tablet Tab 3 Lite – SM-T116<sup>275</sup> has also been seized rue du Dries on 15 March 2016<sup>276</sup>.

This has only been used at this place between 5 February 2016 and 15 March 2016 to watch videos mainly about the religion of Islam, to download prayer schedules and a Quran in Arabic as well as to consult Internet sites for information (in French as well as in Arabic) or also to get access to the applications Twitter or Facebook.

Investigators especially reveal that :

- On 26 February 2016, its user launches an Internet search for "Abou Jihad Al-Munfarid" (who appears to be a fighter of the terrorist group Islamic state having the French nationality);
- On 5 March 2016, its user visits the Facebook accounts "hamza ayari" and "hamza ayari tunisie";

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<sup>272</sup> PV 42297/16 (MOD 15, C13, SF2, 1)

<sup>273</sup> USB stick containing several files and testaments (cfr. PV 25745/16, MOD15, C8, SF1, 30D). Cfr. Infra.

<sup>274</sup> PV 12082/16 MOD 14, C8, SF2, 13 + extraction PV 11870/16 (MOD 14, C8, SF2, 14)

<sup>275</sup> PV 12083/16 MOD 14, C8, SF2, 12

<sup>276</sup> PV 12083/16 MOD 14, C8, SF2, 12



- 64 videos feature on this device, among which a report dedicated to the Paris attacks<sup>277</sup>.

## **7. Analysis of the phones found**

Apart from the SIM cards in the tablets, other SIM card were found inserted into cell phones:

### **a) The black SAMSUNG phone E 1200**

This device has been used in January, February and March 2016<sup>278</sup> by the alleged VANDENBUS Mehdi (alias of Khalid EL BAKRAOUI) for making contact with the owner of the rue du Dries and with other owners of apartments for rent<sup>279</sup>.

### **b) The black SAMSUNG phone found in the tunic on the rue de l'Eau**

In the hall of the residence the two fugitives had crossed, investigators have discovered a black cell phone of the make SAMSUNG in the pocket of the tunic that was abandoned on site<sup>280</sup>.

At the moment of its discovery, it was still on. It contains a SIM card Ortel linked to the phone number "32488098427"<sup>281</sup>. This card has been activated on 25 January 2016.

On this card there's a SMS draft found ("Roman verse 7"). This has been done on 2 February 2016<sup>282</sup>.

Analysing this number<sup>283</sup> reveals that between 25 January 2016 and 10 March 2016, it only received calls of which 9 through the Internet (WhatsApp or Viber) and 4 with foreign prefixes, which means that it concerns calls made in phone-shops<sup>284</sup>. This card has only activated antennas situated in Forest namely Avenue du Globe and Chaussée de Neerstalle.

This phone number ("32488098427") therefore links the occupants of the rue du Dries with the occupants of the rue Max Roos. In fact, on 16 March 2016, the day after the intervention on the rue du Dries during which Salah ABDESLAM and Sofien AYARI alias Hamza escaped, this number receives 4 attempted calls, then a text asking "Hamza?" coming from the number "32487357105"<sup>285</sup>.

Being interrogated in regard to this phone, AYARI (alias Hamza) has exercised his right to silence.

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<sup>277</sup> PV 12083/16, MOD 14, C8, SF2, 12

<sup>278</sup> PV 007036/17, MOD14, C8, SF2, 9 and 11875/16, MOD14, C8, SF2, 10

<sup>279</sup> And this, even after having rented apartment in the rue du Dries

<sup>280</sup> PV 012068/16 (MOD 14, C5, SF1, 1)

<sup>281</sup> PV 6093/17, MOD 14, C8, SF2, 4

<sup>282</sup> This message refers to the 30<sup>th</sup> sura of the Quran "Romans" of which verse 7 says: *"they (the people) know an aspect of this life, while they are inattentive to the afterlife"*

<sup>283</sup> PV 6093/17, MOD 14, C8, SF2, 4

<sup>284</sup> PV 6093/17, (MOD 14, C8, SF2, 4)

<sup>285</sup> Let's remember that the cell phone ZIZO dual SIM containing this number was found on 22 March 2016 by employees of Bruxelles-Propreté (institution collecting trash) in the dumpster on the rue Max Roos, 4, with the laptop.



## **8. Analysis of the found documents**

Various documents found in this apartment are worth being examined:

### **a) Two envelopes**

The first contains two handwritten letters, written by Salah ABDESLAM

- The first is addressed to his mother. He writes: "know that I pledged allegiance to Abû Bakr Al Baghdadi", " his son Brahim didn't kill himself, he has fought, he has killed and let himself be killed by the kuffar, he's a HERO of Islam";
- The second is addressed to his little sister and signed "Abd Rahman that's my name in the jihad";

In the second envelope there's a third letter, addressed to his girlfriend named 'Yasmina'.

The content of these letters will be elaborated in the chapter concerning the author.

b) Different receipts for purchases mostly done in the neighbourhood. It concerns food purchases, but also tablets and a rolling pin<sup>286</sup>.

c) A letter from Lampiris dated 18 December 2015. It's in the name of Mehdi VANDENBUS, who has therefore also opened the counter under this false name.

d) False documents: a false Belgian identity card in the name of CHOUKRI Amine and a false Syrian passport in the name of Monrir ALHAJ AHMED. These pieces carry the identity photograph of the one who will be identified as Sofien AYARI (cfr infra).

## **9. Analyses of the SEDEE (bomb squad)<sup>287</sup>**

### **a) Fuses ("fireworks")**

In the apartment in the rue du Dries, there are 13 wrapped fuses found<sup>288</sup>.

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<sup>286</sup> This mainly concerns receipts from the Gamma store, the butcher shop Badr, Connect Phone, etc.

<sup>287</sup> Service d'Enlèvement et de Destruction d'Engins Explosifs (department for removing and destroying explosive devices)

<sup>288</sup> PV 13649/16, (photo 205 and 209), MOD 14, C5, SF1, 9)

According to the bomb squad report<sup>289</sup>, it concerns over-the-counter fireworks in specialised shops and via Dutch online sales sites. The pyrotechnic charges are very sensitive to chocs, friction and heat. The ignition of the fuse may cause a strong flame and potential bodily harm.

In that regard, it's important to note that as part of the file about the Paris attacks, French investigators have found in the pavilion of Bobigny where, amongst others<sup>290</sup>, Salah ABDESLAM left while wearing an explosive vest, "two protective hoods for electric igniters of fireworks"<sup>291</sup>. Before the Criminal Court of Paris, which was especially composed for the specific purpose of the attacks of 13 November, the *expert explained that igniters of fireworks had been used for the making of explosive belts*"<sup>292</sup>.

The presence of these fireworks in the apartment on the rue du Dries is therefore explained by the willingness of the cell to build new IEDs and to ignite them by using mechanisms which are found in those fireworks.

#### b) Detonators

Two detonators are found on site. The bomb squad<sup>293</sup> confirms that it concerns two active detonators of commercial, industrial ("*non-artisanal*") manufacturing used as a primary explosive devise by firms active in the mining industry.

#### c) A Christmas garland

Investigators draw attention to the presence of a Christmas garland under the sink of the kitchen. These types of garlands seem to be necessary for building IEDs used by the accused.

The explanation is given to us by Mohamed ABRINI<sup>294</sup>: at the moment when the trio stops at Délifrance in the departure hall on 22 March 2016, "Najim (LAACHRAOUI) made the connections, that is to say connect the batteries to the wires. It is him that did all three. The adaptor was already there. That consisted of a push button connected to a wire of the garland that itself was connected to a light bulb. There he only had to put the battery in the wire. In fact the battery is too strong for the light bulb. When you push the button, as it is too powerful, there will be a spark that then setts of the bomb".

The terrorists therefore used Christmas garlands to trigger their bombs.

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<sup>289</sup> The bomb squad report of 9 May 2016 analyses the chargers and munitions, the fireworks and detonators (MOD14, C4, F1, SF1, 1)

<sup>290</sup> According to the order for indictment of JI HERBAUT, there are traces found in this pavilion of the passage of HADFI, ALMOHAMMAD, ALMAHMOD, AKROUH and Salah ABDESLAM (OMA, pages 37 and 38, MOD19, C2, 21)

<sup>291</sup> PV SDAT 487/2015/c1b1/3 (D2280)

<sup>292</sup> Spontaneous transmission from PNAT, 2 May 2022

<sup>293</sup> Bomb squad report of 9 May 2016 (and ref labo 1D:007), MOD14, C4, F1, SF1, 1

<sup>294</sup> Interview of 28 April 2016 (PV 18778/16, MOD9, C4, SF1, 4)

#### 10. The arms seized on the rue du Dries

A machine gun of the make VZOR model 58 and 1,62 x 39mm calibre is found next to the body of Mohamed BELKAID, as well as two chargers.

Europol has illuminated the investigators about the origin of this fire arm<sup>295</sup>: *"An investigation led jointly by our Polish and Dutch colleagues shows that multiple shipments of demilitarized arms among which the CZ VZ 58 have been bought from a Slovakian company, which totals 1500 fire arms. These purchases were done by means of false identities.*

*After their purchases, the arms were stored in working order and shipped to the Netherlands where they were resold.*

*Investigations fast-tracked by our foreign colleagues showed there was amongst those arms a fire arm with serial number P36055. This fire arm has been bought from the Slovakian company on 30-06-2015.*

*It seems that the fire arm found in the rue Dries 60 in 1190 Forest and used by BELKAID carries the same serial number P36055 and that its analysis showed that it concerned a fire arm that had been demilitarized in all likelihood by the Slovakian firm "KOL ARMS" and then made operational again"<sup>296</sup>.*

According to the investigation into the Paris attacks, the fire arm registered under number P36055 seems to have been acquired in Rotterdam (The Netherlands) probably through Anass AFADASS, the cousin of Ali EL HADDAD ASUFI and then shipped to Belgium, by Ali EL HADDAD ASUFI and Ibrahim EL BAKRAOUI (see infra).

Note that in the PC found in the rue Max Roos there were pictures taken from fire arms. Amongst them the investigators have identified 2 machine guns of the make VZ58, similar to the one used by Mohamed BELKAID<sup>297</sup>.

Eight chargers (of which 4 charged with munitions) are found in the closet of the room situated on the side of the street. With the 2 chargers that Mohamed BELKAID kept close to him and the one that was in his fire arm, this comes to 11 chargers that were seized from the apartment.

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<sup>295</sup> PV 41836/17 from the file "B-Paris" (C149, SF1, 64)

<sup>296</sup> PV 41836/17 from the file "B-Paris" (C149, SF1, 64)

<sup>297</sup> PV 041185/17 (MOD 15, C20, SF4, 14)

### **CHAPTER III: THE APARTMENT ON THE RUE DU TIVOLI**

#### **I. IDENTIFICATION OF THE ADDRESS**

As part of the technical support it lends to the court record, the National Security has addressed a letter of 31 March 2016 indicating that, according to their analysis, the person known by the name of AL HAMED Naim is Osama KRAYEM<sup>298</sup>.

In a following note on 2 April 2016, this department states<sup>299</sup> that Osama KRAYEM uses two Facebook accounts<sup>300</sup> linked to the same mail address<sup>301</sup>.

Lastly, in a letter of 7 April 2016<sup>302</sup>, National Security adds that he uses two Belgian phone numbers<sup>303</sup>.

The IP address used by Osama KRAYEM for communicating on Facebook is identified as being the address of rue du Tivoli 33 in Laeken. Hervé BAYINGANA MUHIRWA has his domicile there.

#### **II. THE ARREST OF MOHAMED ABRINI, HERVE BAYINGANA MUHIRWA AND OSAMA KRAYEM**

The stake-out put in place around the residence of Hervé BAYINGANA MUHIRWA allows the apprehension of Mohamed ABRINI the night of 7 April 2016<sup>305</sup>. He rings the bell with Hervé BAYINGANA MUHIRWA, taps the window and then leaves again as there is no response. He's finally arrested the next day, on 8 April 2016.

On 8 April 2016 Osama KRAYEM is also observed while he goes to rue du Tivoli. Hervé BAYINGANA MUHIRWA and him then leave the scene by car. They are arrested Boulevard du Midi at 11.30 hrs by special units of the Federal police. Osama KRAYEM occupies the passenger seat of the car Clio driven by Hervé BAYINGANA MUHIRWA<sup>306</sup>.

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<sup>298</sup> Note NS 31 March 2016, MOD 15, C1, SF1, 3

<sup>299</sup> Note NS 2 April 2016, MOD 15, C1, SF1, 42

<sup>300</sup> "Abou Omar Swe" and "Osama Krayem". A third account, "ÖZZ ÖZZ", shall be placed in evidence (cfr. PV15227/16, MOD 15, C2, SF2, 8)

<sup>301</sup> [abuomar.osama@outlook.com](mailto:abuomar.osama@outlook.com)

<sup>302</sup> Note NS 7 April 2016, MOD 15, C2, SF2, 11

<sup>303</sup> It concerns the numbers "32465388651" and "32485782941".

<sup>304</sup> PV15404/16, MOD 11.C1, SF 3, 1

<sup>305</sup> PV 15715/16, MOD 10, C5, SF3, 1

<sup>306</sup> PV 16628/16, (MOD 15.C4, SF2, 26) correcting the PV 15731/16 (MOD15, C2, SF2, 16)

Osama KRAYEM attempts to hide his real name during his arrest. He calls himself Omar ABDELKADER<sup>307</sup>, but his fingerprints are identical to those of Naim AL HAMED, whose fingerprints were taken in Germany on 1 October 2015.

He will repudiate his real identity at the time of his first interview<sup>308</sup> as well as his *kunya* "Abou Omar".

In the car of Hervé BAYINGANA MUHIRWA, a white and red USB stick of the make TRANSCEND<sup>309</sup>, a Nike bag containing clothes of KRAYEM, a tablet<sup>310</sup> and a CELL PHONE SAMSUNG GT E<sup>311</sup> are seized. Osama KRAYEM has a sum of 2.720 € on him. He wears a vest with burn marks and traces of sulphuric acid<sup>312</sup>. This vest is similar to the one he was seen with in the subway on 4 March 2016<sup>313</sup>.

### III. HOUSE SEARCH IN THE RUE DU TIVOLI 33<sup>314</sup>

The apartment is situated on the ground floor of a small flat with 3 floors. It consists of a living room (front space, side of the street), a bedroom (middle space), a small kitchen and a shower room with a toilet in the back. Hervé BAYINGANA MUHIRWA lives there since October 2015.

Besides objects of everyday life various books and works are found mainly on Islam, philosophy and themes concerning the religion of Islam<sup>315</sup>.

A black training vest POWERFLY, which could have been weighted, has drawn the attention of the police. Although no explosives were found, they found 37 incorporable weights in the vest.

In those small and "relatively disorganised" spaces, the investigators namely seize:

- A black SAMSUNG CELL PHONE (model GT-E1 Keystone)
- A LENOVO laptop Thinkpad,
- A red and black USB stick SANDISK CRUZER of 8 gigabytes<sup>316</sup>,

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<sup>307</sup> PV 15731/16 (MOD15, C2, SF2, 16)

<sup>308</sup> PV 15773/16 (MOD15, C2, SF2, 16)

<sup>309</sup> Containing Quranic chants (PV 27961/16, MOD15, C9, SF1, 24; PV 16167/16, MOD 4, C28, SF3, 1 and PV 19310/16, MOD15, C5, SF1, 38)

<sup>310</sup> PV 015786/16 (MOD15, C3, SF1, 53A) and 18456/16 (MOD 10, C2, SF1, p.1)

<sup>311</sup> Lost by the company DHL who was in charge of transferring the piece (cfr PV 41098/17, MOD9, C3, SF1, 15).

<sup>312</sup> PV 41755/18 (MOD15, C26, SF1, 42c) and PV 16167/16 (MOD4, C28, SF3, 1)

<sup>313</sup> When he was with Ibrahim EL BAKRAOUI, he went buying plastic bins used for making TATP (PV 39311/16, MOD9, C3, SF1, 15)

<sup>314</sup> PV 15795/16, MOD 11, C1, SF3, 6

<sup>315</sup> A green book "*La citadelle du musulman*" (Fortress of the Muslim) on the canape, a book '*Les invocations à dire après la prière*' (Invocations to say after prayers) on the coffee table, a book "*Le Saint Coran*" (The saint Quran), two other books on the television cabinet and 3 books on the windowsill of the bedroom.

<sup>316</sup> On which only the movie "Jurassic world" is found (PV 015832/16, MOD15, C3, SF1, 60)

- Various documents<sup>317</sup>, among which an accident report of 14 July 2015 on which there is an email address [bayingana.herve@gmail.com](mailto:bayingana.herve@gmail.com) and a telephone number "32488241181",
- a piece of cardboard with a handwritten list of clothes<sup>318</sup>,
- a MOBIB card in the name of Hervé BAYINGANA MUHIRWA<sup>319</sup>,
- a cell phone card of 15 euros linked to the number "32485388651",
- a rechargeable cell phone ticket of 10 euros dated 6 April 2016 bought at a shop in Laeken. It concerns the SIM card number "32465461685" used in the tablet bought by Hervé BAYINGANA MUHIRWA for Osama KRAYEM,
- an empty box which contained a NOKIA CELL PHONE 105 – IMEI number "35107076726706" (GSM absent) used by Osama KRAYEM to contact his brother on 7 April 2016,
- an empty box which contained a NOKIA CELL PHONE 108 DUAL-SIM on which only the number 32485945025 is active from 23 March 2016 to 31 March 2016,
- an empty box which contained a SAMSUNG GALAXY TAB tablet,
- a receipt indicating the purchase of this tablet on 6 April 2016 at 18.42 hrs at Media Markt in the rue Neuve,
- a SIM card holder (without the card) LYCAMOBILE in a Media Markt packaging,
- a Zalando packaging,
- black earphones,
- various clothes,
- different pairs of shoes,
- bedsheets,
- dishes.

#### **IV. INVESTIGATION OF THE SEIZED OBJECTS**

##### **1. DNA analyses and fingerprints**

The DNA analyses<sup>320</sup> carried out on the objects seized on site confirm that Hervé BAYINGANA MUHIRWA<sup>321</sup>, Osama KRAYEM<sup>322</sup> and Mohamed ABRINI lived there.

The fingerprints<sup>324</sup> of Osama KRAYEM, Mohamed ABRINI and Hervé BAYINGANA MUHIRWA are found on multiple books "*La citadelle du musulman*" (Fortress of the Muslim), "*La croyance du musulman*" (The Faith of the Muslim), as well as those of Salah ABDESLAM, Bilal HADFI, Najim LAACHRAOUI<sup>325</sup> and Sofien AYARI<sup>326</sup>.

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<sup>317</sup> PV 015833/16 (MOD15, C3, SF1, 61)

<sup>318</sup> Interview of Hervé BAYINGANA MUHIRWA, PV 23728/16 (MOD9, C4, SF2, 4)

<sup>319</sup> PV 18889/16 (MOD 4, C 26, SF1, 1). After investigation, it seems that it wasn't used for more than 6 months (PV 18257/16, MOD 15, C4, SF2, 47)

<sup>320</sup> PV 23313/18, (MOD 15, C25, 22a) and PV 29846/16 (MOD7, C3, SF3, 11)

<sup>321</sup> DNA of Hervé BAYINGANA MUHIRWA is found on the dishes, a toothbrush, a watch, black earphones, a Nike sneaker (right foot), a cell phone, a USB stick, on the keyboard of the computer.

<sup>322</sup> DNA of Osama KRAYEM is found on the black earphones, the Nike sneaker (right foot), the cell phone and the keyboard of the computer, but also on another sneaker and a glass.

<sup>323</sup> DNA of Mohamed ABRINI is found on this glass and on a toothbrush

<sup>324</sup> PV 18889/16 (MOD 4, C26, SF1, 1) and PV 39289/16 (MOD 15, C12, SF2, 15)

## 2. Investigation of the SIM cards and the retrieved cell phones

- From the follow-up investigations into the 15 euros recharge linked to the number 32485388651, we learn that this number is a prepaid number<sup>325</sup>. Its owner is not registered, but he has been in contact with a Swedish number on two occasions on 7 April 2016. This number seems to belong to Anas KRAYEM, Osama's brother<sup>328</sup>.
- The 10-euro recharge ticket for the cell phone has the references of the bvba KOTIAN established in boulevard E. Bockstael 282 in 1020 Brussels. It concerns the SIM card "32465461685"<sup>329</sup> that was inserted into the SAMSUNG tablet found in possession of Osama KRAYEM in the car of Hervé BAYINGANA MUHIRWA at the time of their arrest. The video surveillance system of this store shows that the one recharging the card is an African man who strongly resembles Hervé BAYINGANA MUHIRWA<sup>330</sup>.

The interesting thing about card "32465461685" is that it has been inserted into the before-mentioned tablet, but also into another device that, on 29 January 2016, activated the antenna connecting the avenue des Casernes<sup>331</sup>. It wasn't used between 29 January and 6 April 2016, but it was then picked up by an antenna on 6 and 7 April 2016 close to the domicile of Hervé BAYINGANA MUHIRWA on a tablet bought by the latter on 6 April 2016. This card will only be used for downloading Internet data (no telephone communication is found).

- The black SAMSUNG phone contains a SIM card from BASE linked to the phone number "32485870080" (cfr infra).
- The NOKIA phone 108 DUAL-SIM (of which only the empty box is found) is subject of a more thorough investigation<sup>332</sup>: only one SIM card ("32485945025") has been inserted in this case which has only been active from 23 March 2016 until 31 March 2016.

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<sup>325</sup> PV 036427/21 (MOD21, C3, 48C)

<sup>326</sup> This tends to prove that the perpetrators carried those books with them from hiding place to hiding place

<sup>327</sup> PV 15631/16, MOD 15, C3, SF1, 42

<sup>328</sup> Note NS of 7 April 2016 (MOD14, C17, SF1, 31). The other number that is mentioned in the note of the National Security, activated on 18 March 2016, has also two contacts with the same Swedish number of KRAYEM's brother, also on 7 April 2016 (PV 015634/16, MOD 15, C3, SF1, 44)

<sup>329</sup> PV 18999/18 (MOD15, C25, SF2, 11)

<sup>330</sup> PV 15800/16 (MOD15, C2, SF2, 57) and 15831/16 (MOD 15, C2, SF2, 39)

<sup>331</sup> PV 18837/16 (MOD15, C5, SF1, 12)

<sup>332</sup> PV 36933/17 (MOD15, C20, SF2, 13A)



Investigation makes it seem that its user could be Bilal EL MAKHOUKHI<sup>333</sup>, which he denies (see infra).

- The investigation in Media Markt in the rue Neuve shows that, on 6 April 2016, it's definitely Hervé BAYINGANA MUHIRWA who buys the SAMSUNG tablet as well as headphones<sup>334</sup>.

### **3. Investigation of the LENOVO computer of Hervé BAYINGANA MUHIRWA**

This computer, found on the bed of the accused during the house search was reported stolen.

It has been used from 27 February 2017 to 8 April 2016, essentially by Hervé BAYINGANA MUHIRWA, but also by Osama KRAYEM, between 24 March and 8 April 2016, and Mohamed ABRINI. There are in fact searches done in Swedish (cf. the Swedish newspaper Aftonbladet, Swedish law, Swedish subtitles for the movie "The Forger", the Swedish radio station Sveriges Radio) and software used to translate from French into English (cf. Systran) are used.

The Moroccan portal Yabiladi.com, which offers services dedicated to the Moroccan people, is also consulted.

On the computer there is a complete documentation on the activities, teachings, combats and mentality of the terrorist group Islamic state and the atrocities they commit.

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<sup>333</sup> PV 16616/17, MOD 15, C17, SF2, 19 (see infra)

<sup>334</sup> PV 15857/16 (MOD 15, C3, SF1, 63)

## **CHAPTER IV: THE STUDIO ON THE AVENUE DES CASERNES**

### **I. IDENTIFICATION OF THE ADDRESS**

When he is arrested on 8 April 2016, Osama KRAYEM confirms in his interview<sup>335</sup> that there is another hideout where he stayed at, namely with the brothers EL BAKRAOUI.

The investigators know that the telephone "32486628414" used the morning of 22 March 2016 by the "subway commando" was picked up the antennas situated in the "quartier des casernes". Yet it was never possible to identity the location until now.

Osama KRAYEM leads the investigators to the address of this hideout, avenue des Casernes 39 in Etterbeek, where he points to the studio on the 4<sup>th</sup> floor as being the one he resided in<sup>336</sup>.

### **II. DESCRIPTION OF THE PLACE**

It concerns a 7-floor flat in which a lot of people reside<sup>337</sup>.

The studio pointed out by Osama KRAYEM has the number 402.

The entrance hall of the building leads to an elevator and a staircase giving access to the floors. The apartment is situated on the fourth floor of the building, second door on the right in the hall, when leaving the elevator, and consists of a corridor comprising the kitchen on the right and leading to bathroom on the left. It leads directly to the living area which has dimensions of approximately 5 by 5 metres<sup>338</sup>.

Toilet Shower

Bathroom

Main room (living room)

Kitchen

Closet

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<sup>335</sup> PV 15773/16, MOD15, C2, SF2, 19

<sup>336</sup> PV 15828/16 (MOD15, C2, SF2, 38)

<sup>337</sup> PV 15894/16, MOD 11, C1, SF6, 6

<sup>338</sup> PV 17875/16, MOD4, C31, SF2, 2

The flat is equipped with a video surveillance system of 4 cameras, of which two film the coming and going of its visitors<sup>339</sup>.

### **III. HOUSE-TO-HOUSE ENQUIRIES**

At the moment when the investigators set foot on the 4<sup>th</sup> floor, the neighbour from across the apartment stops them: Jérémy WOUTERS describes 3 persons of "North-Africa descent" that are "linked" to the address. They live there since about 7 months, but he adds: "I noticed that they didn't occupy the apartment permanently and that sometimes, when they arrived at the apartment, they didn't have their keys with them, after which they came to ask me for help in giving them tools to open their front door. I would like to point out to you that the three persons were never together at the same time"<sup>340</sup>.

He declares that the first is called "*Ismael*", who has introduced a certain "*Brahim*" to him as being his little brother. He cannot give an accurate description of the third person, who is tall and slim.

During the course of the afternoon Jérémy WOUTERS reminds the police after having established that the two persons that he had described have returned here and are talking to journalists before going back in. He participates in the enquiries which allows the interception of Smail and Ibrahim FARISI<sup>341</sup> in an adjacent street (the rue Nouvelle).

Another floor neighbour, Yannick RACHIDI, is also interviewed<sup>342</sup>. He declares to have met Ismael in July or August 2015. He adds that "around the month of November, I started to see another man at the apartment and Ismael told me that it was his brother and that he was a cab driver". Later on, "toward the end of November, start of December 2015, I have seen a third man in Ismael's apartment. He was always dressed in black and relatively fat. He was about my height, what is about 1m75. I often ran into him at night when he returned from getting his snack around 21.00 hrs. (...) It's around that time I never saw Ismaël in the building anymore while I still saw him in the community of Etterbeek. Lastly he added: *"In the month of February of that year, a fourth person showed up one night to go to Ismael's apartment. It was also a Nord-African, about 1m70 tall, kind of slim and about Ismaël's age, what is 32 years old. His hairstyle was fashionable, dark and frizzy. I can tell you that this man owned the necessary badge to go into the flat as well as the key to the apartment."*

Alexandre LEGRAND<sup>343</sup>, the friend of one of the neighbours, explains the circumstances in which he went over there to fix the door of apartment 402. He places this fact two or three weeks before the attacks, but the investigation shows that it was on 2 April 2016<sup>344</sup>.

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<sup>339</sup> PV 15954/16, MOD 15, C3, SF1, 70

<sup>340</sup> PV 15858/16 MOD 15, C2, SF2, 40)

<sup>341</sup> PV 9836/16, MOD 15, C2, SF5, 41

<sup>342</sup> PV 015859/16, MOD 15, C3, SF1, 65

<sup>343</sup> PV 007640/17 MOD 9, C2, SF1, 11)

<sup>344</sup> PV 7906/17, MOD 15, C16, SF1, 25

Confused as he may be about the dates, he is clearer about his testimony. When presented a photo line-up, he declares that the person who asked him to fix the door is not on it. Then he stops at other photographs: the one of Osama KRAYEM *"his face rings a bell, but I don't know where from"*, the one of Khalid EL BAKRAOUI. *"I have already seen him in the neighbourhood, in Etterbeek. His face rings a bell. I cannot say when, the one of Ibrahim FARISI "His face also rings a bell, but I can't say where from"*.

#### **IV. HOUSE SEARCHES**

##### **1. The first house search (9 April 2016)**

Following the identification of this new apartment, a first house search is carried out immediately. The place is found empty and *"cleaned"*<sup>345</sup>.

Only reparation tools for the front door are found in the bathroom<sup>346</sup>. Also a receipt from Brico Plan-It in Anderlecht is found there for purchases made on 26 March 2016 at 19.13 hrs.

The crime lab comes on site to do their usual forensic searches and findings.

Through genetic analyses<sup>347</sup> and the taking of fingerprints<sup>348</sup> the presence of the FARISI brothers, Osama KRAYEM and the EL BAKRAOUI brothers in this apartment can be confirmed.

Moreover, Alexandre LEGRAND has left his prints on the door and on the metallic plate when he went to help them fix the front door.

Mouhcine BOURHIDANE<sup>349</sup> has left his DNA on the top of the toilet bowl, on the handle of the toilet plunger and on a faucet, probably when he was helping Smail FARISI unclog the toilet<sup>350</sup>.

##### **2. The second house search (12 April 2016)**

A second house search is carried out on 12 April 2016 after Osama KRAYEM revealed to have emptied the content of the rucksack he was wearing the morning of 22 March in the shower, then on the toilet bowl.

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<sup>345</sup> PV 15894/16, MOD11, C1, SF6, 6

<sup>346</sup> PV 17875/16 MOD 4, C31, SF2, 2)

<sup>347</sup> PV 28779/16, MOD 7, C3, SF3, 9)

<sup>348</sup> PV 17875/16, MOD 4, C31, SF2, 2)

<sup>349</sup> PV 6160/18 MOD 15, C22, SF2, 14)

<sup>350</sup> cfr. DNA report DEFORCE 17/1131 (MOD7, C4, SF17, 3)

The presence of TATP in the siphon of the shower is indeed confirmed by the bomb squad based on the samples taken<sup>351</sup>.

## **V. INVESTIGATION OF THE IMAGES**

### **1. Investigation of the footage from the entrance hall**

The images from the video surveillance system from the entrance hall of the flat on the avenue des Casernes are seized for the period from 17 September to 9 April 2016<sup>352</sup>.

The investigators find that the recordings do not have a correct time stamp, but still succeed at determining the hours which correspond to reality<sup>353</sup>.

Detailed analysis of these images<sup>354</sup> gives us an update of the following elements<sup>355</sup>:

In the month of October 2015<sup>356</sup>, Ibrahim FARISI leaves the apartment to leave the place to Smail FARISI.

On 3 October, Ibrahim EL BAKRAOUI appears for the first time in the company of Smail FARISI and Ali EL HADDAD ASUFI and moves into the apartment.

Smail FARISI is seen almost every day, often alone, sometimes with Ali EL HADDAD ASUFI or Ibrahim EL BAKRAOUI.

Ali EL HADDAD ASUFI goes to this apartment 15 times, essentially to meet Ibrahim EL BAKRAOUI. Mohamed BAKKALI comes there on 13 October 2015 with Ibrahim EL BAKRAOUI<sup>357</sup>.

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<sup>351</sup> PV 25608/16 (MOD 4, C31, SF3, 3) and PV 23282/18, MOD 15, C25, SF2, 29

<sup>352</sup> PV 015954/16 MOD15, C3, SF1, 70)

<sup>353</sup> PV 015954/16 MOD15, C3, SF1, 70). The hours mentioned in this document are the corrected hours

<sup>354</sup> Multiple procès-verbaux (police reports) are drawn up in such a way in order to concentrate on a determined period or an individual: PV 34737/16, MOD 15, C12, SF1, 10. The investigators have drawn up outlines on the presence of Ibrahim EL BAKRAOUI (PV 32606/16, MOD15, C12, SF1, 1), of Khalid EL BAKRAOUI (PV 32607/16, MOD15, C12, SF1, 2), of Osama KRAYEM (PV 32608/16, MOD15, C12, SF1, 3), of Smail FARISI (PV 32609/16, MOD15, C12, SF1, 4), of Ibrahim FARISI (PV 32610/16, MOD15, C12, SF1, 5), of Ali EL HADDAD ASUFI (PV 32611/16, MOD15, C12, SF1, 6), of Mohamed BAKKALI (PV 32613/16, MOD15, C12, SF1, 8), of Bilal EL MAKHOUKHI (PV 32614/16, MOD15, C12, SF1, 9). The analysis of these PV have been completed by the PV 006379/19 (MOD15, C28, SF1, 1).

<sup>355</sup> See also the PV 41130/18 (MOD15, C27, SF1, 1) and 006379/19 (MOD15, C28, SF1, 1) for an analysis and general use of these images.

<sup>356</sup> PV 24822/16 (MOD15, C7, SF1, 50A) and 006379/19 (MOD15, C28, SF1, 1) which completes and corrects the first findings, and especially PV 15954/16.

<sup>357</sup> On 13 October 2015 at 22.46 hrs, Smail FARISI is alone at the address and it is him who opens the door for Ali EL HADDAD ASUFI (PV 24051/16, MOD15, C7, SF1, 41C). They stay together from 23.39 hrs to 14 October, at 1.09 hrs, when Ibrahim EL BAKRAOUI comes to join them. Smail FARISI and Ali EL HADDAD leave again at 2.02 hrs. On 14 December 2015, Smail FARISI also finds himself alone at the address between 15.32 hrs and 16.18 hrs when Ali EL HADDAD ASUFI comes to join him. Ali EL HADDAD ASUFI leaves at 18.41 hrs and Smail FARISI at 18.45 hrs.

In November 2015<sup>358</sup> Ibrahim lives in the apartment while Khalid EL BAKRAOUI moves in little by little to ultimately stay there from 26 November onwards.

Smail FARISI is there 26 times (sometimes multiple times a day), often with Ibrahim EL BAKRAOUI and, on 27 November, with the two EL BAKRAOUI brothers.

Ali EL HADDAD ASUFI goes to the address with his friend Youssef EL AJMI the night of 8-9 November and the night of 17-18 November. They bring pizzas.

The evening of 18 November, the day of the assault on the apartment of Saint-Denis in France<sup>359</sup>, Ibrahim EL BAKRAOUI returns to the apartment with Mohamed BAKKALI and Khalid EL BAKRAOUI. Smail FARISI joins them.

In December 2015<sup>360</sup>, Smail FARISI is spotted almost daily at the studio where Ibrahim and Khalid EL BAKRAOUI are staying, while Ali EL HADDAD ASUFI is spotted there 4 times (often while bringing pizzas or a bag).

During the month of January 2016<sup>361</sup>, Ibrahim and Khalid EL BAKRAOUI reside in the studio.

Smail FARISI is seen there almost daily, while Ali EL HADDAD ASUFI is spotted there the night of 8-9 January 2016 bringing pizzas.

On 13 January, Smail FARISI is spotted in the company of Ibrahim EL BAKRAOUI when the latter leaves the apartment wearing a wig, a bonnet and a pair of glasses.

During the month of February 2016<sup>362</sup> Ibrahim and Khalid EL BAKRAOUI still live together in the apartment, Smail FARISI is seen there 8 times.

From 29 February 2016, Ibrahim EL BAKRAOUI no longer appears on the images from avenue des Casernes<sup>363</sup>.

On the images of the month of March 2016<sup>364</sup>, one finds that until 15 March, Khalid EL BAKRAOUI resides alone at the address<sup>365</sup>.

During a first two weeks of the month of March, Smail FARISI only visits the apartment three times (3, 14 and 16 March 2016, when no one is there).

Contrary, between 16 and 21 March Smail FARISI returns 16 times to the address often bringing something with him in plastic bags. Khalid EL BAKRAOUI is present every time, while Osama KRAYEM is there 11 times.

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<sup>358</sup> PV 29252/16 (MOD15, C9, SF2, 24) and 006379/19 (MOD15, C28, SF1, 1) and PV 006379/19 (MOD15, C28, SF1, 1)

<sup>359</sup> In which Hasna AIT BOULAHSEN, Chakib AKROUH and Abdel Hamid ABBAOUD are killed.

<sup>360</sup> PV 24735/16, MOD 15, C7, SF1, 50) and PV 006379/19 (MOD15, C28, SF1, 1)

<sup>361</sup> PV 22381/16, MOD 15, C6, SF1, 50A) and PV 006379/19 (MOD15, C28, SF1, 1)

<sup>362</sup> PV 24734/16, MOD 15, C7, SF1, 49A) and PV 006379/19 (MOD15, C28, SF1, 1)

<sup>363</sup> PV 36971/17, (MOD 9, C7, SF2, 6)

<sup>364</sup> PV 019825/16, (MOD 15, C5, SF2, 13A) and PV 006379/19 (MOD15, C28, SF1, 1)

<sup>365</sup> PV 19825/16, MOD15, C5, SF2, 13A) and PV 006379/19 (MOD15, C28, SF1, 1)

On 16 March 2016, the day after the police intervention in the rue du Dries, Khalid EL BAKRAOUI leaves the building very early before returning at 13 hrs with Bilal EL MAHOUKHI. They only stay there for 4 minutes before leaving again.

At 21.16 hrs, Khalid EL BAKRAOUI returns carrying bags, followed by Osama KRAYEM, on whose cheek a bandage is perceived.

Khalid EL BAKRAOUI doesn't leave the apartment until the morning of 22 March. Only Osama KRAYEM is still spotted while doing some errands.

On 21 March 2016<sup>366</sup>, at 22.15 hrs, Osama Krayem returns with a first rucksack. He immediately leaves again to search for a second one, which he brings with him at 0.21 hrs along with a plastic bag.

On 22 March 2016<sup>367</sup>:

- Osama Krayem leaves at 01.04 hrs carrying two plastic bags of colour, then returns at 1.28 hrs with a white bag containing beer bottles.
- He leaves the studio (while putting "an object" in the pocket of his vest) for a couple of minutes at 5.56 hrs.
- At 8.19 hrs, Khalid EL BAKRAOUI returns to the apartment with his rucksack and he stays there until 11.05 hrs: he changes clothes and leaves again with a green bag in his hand.
- On 22 March 2016, from 16.36 hrs, Smail FARISI goes three times to his apartment, systematically checking his mailbox.

On 23 March 2016, from 11.09 hrs, the FARISI brothers helped by Redouan EL MOUSTAKIM move out the things the previous occupants left in the apartment.

On 24 March 2016, Smail FARISI arrives at 13.37 hrs. He checks his mailbox again. He leaves the building at 14.49 hrs.

On 25 and 26 March 2016, Smail and Ibrahim FARISI end the move helped by Marouan FERRY and Salah Eddine SADIKI. The apartment's lock is repaired by Smail FARISI with the help of Mouhcine BOURHIDANE and the apartment's toilet is unclogged.

On 2 April 2016, Smail FARISI and Mouhcine BOURHIDANE carry out a new reparation on the lock of the front door.

On the night of 2-3 April 2016, Mohamed ABRINI is spotted on the images of the flat: he returns there with a badge at 2.24 hrs and then hastily leaves again on foot at 2.31 hrs.

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<sup>366</sup> PV 015946/16 (MOD15, C3, SF2, 12) and PV 006379/ (MOD15, C28, SF1, 1)

<sup>367</sup> PV 015946/16 (MOD15, C3, SF2, 12) and PV 006379/ (MOD15, C28, SF1, 1)

<sup>368</sup> PV 019825/16 (MOD15, C5, SF2, 13A) and PV 006379/19 (MOD15, C28, SF1, 1)



## 2. Cross-referencing those images with the "MOBIB" cards used by the members of the cell

The large number of apartments used by the group would necessitate a coordination between the places. Those in hiding all tell that they all have been visited frequently by the brothers EL BAKRAOUI.

The brothers EL BAKRAOUI have to move a lot from one hiding place to another. Which means that information and messages must have been transmitted.

It's also thanks to those constant trips that multiple documents are copied from one computer to another. The images of avenue des Casernes confirm that the EL BAKRAOUI brothers leave this apartment multiple times and this during the day as well as the evening.

Investigators have analysed the available images (especially those from the video surveillance system of l'avenue des Casernes) and the trips by public transport by using the STIB cards that were found on the corpse of EL BAKRAOUI or at the searched apartments.

Off course we have to keep in mind that Ibrahim and Khalid BAKRAOUI could have travelled without paying for their public transport or by using other cards. They may also have been able to get to the occasional place by car.

Yet the enquiry is clarifying:

For just the period from 21 December 2015 to 22 March 2016<sup>369</sup>, the investigators find that:

- On 2 December 2015, the day when Mehdi VANDENBUS alias Khalid EL BAKRAOUI makes contact with QIAN Houning for the location of the apartment on rue du Dries<sup>370</sup>, there was a Google search for the itinerary of the STIB at 15.49 hrs on the computer found in rue du Dries.
- The MOBIB card found in Zaventem has been bought on 21 December 2015 at 19.28 hrs at Simonis station. The route taken that day leads to stops at la Place Saint-Denis and Forest-Centre which are both located in the proximity of the rue du Dries.
- Between 21 December 2015 and 22 March 2016, Ibrahim EL BAKRAOUI<sup>371</sup> used almost daily the railway network of the STIB to travel to Jette (avenue de l'Exposition), Forest (rue du Dries) and subsequently Schaerbeek (rue Max Roos). Etterbeek

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<sup>369</sup> PV 48021/17 (MOD15, C21, SF1, 68), PV 37494/16 (MOD15, SF2, 17A) and PV 39224/16 from "B-PARIS" (C141, SF1, 37)

<sup>370</sup> The interview of the owners is the subject of the PV 012462/16 (from "B-PARIS" (C134, SF1, 35)

<sup>371</sup> The trips show that is especially Ibrahim EL BAKRAOUI who uses the anonymous MOBIB card: he is always outside when the card is used.

(avenue des Casernes) was henceforth the starting point and the point of return of all those trips.

- From 29 February 2016, Ibrahim EL BAKRAOUI lives in the apartment of the rue Max Roos in Schaerbeek. From that day on, the trips solely take place in the rue du Dries in Forest as well as trips to the city to purchase different objects, among which the metallic dustbins, in multiple stores (Blokker and Sport Direct in the City 2 in Brussels<sup>372</sup> and the store Blokker located in Ixelles<sup>373</sup>).
- The MOBIB card used by Ibrahim EL BAKRAOUI is sometimes validated two or three<sup>374</sup> times, leading to believe that he had company during those trips<sup>375</sup>.

### **3. Cross-referencing other images with the MOBIB cards**

The use of the available images cross-referenced with the routs taken with the MOBIB allows the investigators furthermore to confirm certain purchases made by the cell<sup>376</sup>:

In that way, when the card is validated two times at Rogier station on 3 March 2016, the images recorded at Blokker on City 2 allow the investigators to discover Ibrahim EL BAKRAOUI and KRAYEM buying a plastic crate and the measuring cup Pyrex<sup>377</sup>.

The next day, on 4 March 2016, the MOBIB card is used two times at the stop Verboekhoven, then at Rogier station, while KRAYEM and Ibrahim EL BAKRAOUI are seen carrying plastic crates when getting out City 2<sup>378</sup>.

Likewise, on 14 March 2016<sup>379</sup>, the MOBIB card is used at Lemonnier station, the day when Osama KRAYEM and Ibrahim EL BAKRAOUI go to the Brico 2000 to buy cans of hydrogen peroxide and are spotted on the subway images on their return<sup>380</sup>.

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<sup>372</sup> PV 13973/16 (MOD6, C5, SF3, 26). A "JUMP" card for 10 trips is yet bought on 14 March 2016 at Rogier station.

<sup>373</sup> PV 48021/17, MOD 15, C21, SF1, 6B

<sup>374</sup> On 25 January 2016, at Saint-Denis station, the card is validated three times: so there are three travellers

<sup>375</sup> For example: PV 015246/16, MOD15, C3, SF1, 15

<sup>376</sup> PV 48021/17 MOD 15, C21, SF1, 6B

<sup>377</sup> PV 16288/16 MOD15, C3, SF2, 27

<sup>378</sup> PV 29311/17 MOD15, C19, SF2, 26

<sup>377</sup> PV 25289/17 MOD15, C20, SF2, 2A

<sup>380</sup> Other examples are indicated later

## CHAPTER V: THE BRUSSELS CELL

On 18 November 2015, the Paris cell is decimated: the bomb specialist has returned to Syria<sup>381</sup>, 9 kamikazes are dead, other members of this cell are searched, arrested or neutralised<sup>382</sup>.

The EL BAKRAOUI brothers, Mohamed BELKAID and Najim LAACHRAOUI stay in Brussels.

Salah ABDESLAM flees Paris while Osama KRAYEM and Sofien AYARI leave Schiphol to return to Belgium.

Instead of moving in with his fiancée, Mohamed ABRINI disappears as soon as his photograph is printed in the press.

They all stay at an apartment that only they know of, rented in Schaerbeek rue Henri Bergé.

A new group will soon be formed in order to commit new attacks.

Mohamed ABRINI explains this crucial period in this manner, *"we were given the choice: either leave with false papers or stay put"*<sup>383</sup>

### SECTION 1 – THE DIFFERENT APARTMENTS USED BY THE NEW CELL<sup>384</sup>

Life in hiding, which is the life that multiple accused have to lead since their return to or arrival in Belgium, needs some serious logistics. One needs to either count on confidants, or use stratagems to rent, under false names and often with false pay slips, modified and discrete apartments<sup>385</sup>.

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<sup>381</sup> Ahmad ALKHALD

<sup>382</sup> Abdel Hamid ABAAOUD and Chakib AKROUH hide out in the Parisian suburbs but, tracked by the French police, they are killed on 17 November 2015 during the Saint-Denis assault

<sup>383</sup> PV interrogation of JI PANOU on 3 September 2018, added by PV 13854/19, MOD15, C30, SF1, 9D

<sup>384</sup> PV 26046/19, MOD 15, C31, SF3, 8

<sup>385</sup> PV 11352/16, from the file "B-PARIS", C137, SF1, 26

### **1. The apartment on the rue Henri Bergé, 86 in Schaerbeek**

Rented for a year on 1 September 2015<sup>386</sup> by Mohamed BAKKALI under the false identity Fernando CASTILLO, this apartment has already been used regularly in preparation for the attacks committed in Paris<sup>387</sup>.

After Mohamed BAKKALI is arrested on 26 November 2015 and the publication of his photograph, the latest occupants flee the place. In light of the fast advances in the Paris Attacks enquiry, they fear the police will arrive their soon.

Najim LAACHRAOUI goes on hotel<sup>388</sup>, while Salah ABDESLAM and Mohamed ABRINI decide to go to the studio on avenue de l'Explosion.

Khalid EL BAKRAOUI leaves his family home and joins his brother in Smail FARISI's apartment on avenue des Casernes.

This apartment on the rue Henri Bergé is house searched on 10 December 2015<sup>389</sup>.

### **2. The apartment on l'avenue de l'Explosion 408 in Jette**

This furnished studio is also rented on 20 September 2015 by Mohamed BAKKALI under the false name Algerto MALONZO.

The place is too small and inadequate to harbour the group that cannot leave the apartment<sup>390</sup>.

So they need to find a new apartment.

On 2 December 2015 the apartment on the rue de Dries is rented: Mohamed BELKAID, Najim LAACHRAOUI and Sofien AYARI move in.

Mohamed ABRINI, Salah ABDESLAM and Osama KRAYEM stay in Jette until the day when Ibrahim EL BAKRAOUI decides that he has to leave Jette *"because it's getting too hot"*<sup>391</sup>.

### **3. The apartment on the rue du Dries in Forest**

This apartment has already been explained in detail above. Khalid EL BAKRAOUI's moving in constitutes the starting point of the infringement period included in this file.

On 2 December 2015 the new cell is indeed in safety. It has established itself and starts to prepare for new attacks.

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<sup>386</sup> PV 26046/19, MOD15, C31, SF3, 8

<sup>387</sup> A reminder: in this hiding place the DNA of KRAYEM, AYARI, HADFI, ALKHALD, LAACHRAOUI, BELKAID, ABRINI, Salah ABDESLAM, ALMAHMOD, AKROUH and OULKADI (interview of Sofien AYARI by JI HERBAUT in France 16 July 2019, from "B-PARIS", C41.1, SF1, 13)

<sup>388</sup> The Océanic hotel then the Barry hotel

<sup>389</sup> PV 52341/15, from "B-PARIS", C86, SF1, 92

<sup>390</sup> According to ABRINI PV interrogation JI, MOD9, C4, SF1, 16 *"In Jette it was a student dorm, there was a bed, a coach, so not really a lot"*

<sup>391</sup> PV interrogation JI, MOD9, C4, SF1, 16

In this apartment the comfort is still limited: three adjacent rooms accommodate the occupants.

One evening, Khalid EL BAKRAOUI drives Mohamed ABRINI, Salah ABDESLAM and Osama KRAYEM from Jette to the rue du Dries to hide them from the police searches. Najim LAACHRAOUI joins them. Six persons now live together in this small space.

Tensions arise in the group<sup>392</sup>.

Moreover, the cell wants to have multiple apartments to "limit the risks", "if someday somebody would fall"<sup>393</sup>.

They look for a new apartment.

When the apartment on the rue Max Roos is rented, the material, the arms and the hardened fighters are divided into the two hideouts. Mohamed BELKAID and Sofien AYARI in one, Najim LAACHRAOUI and Osama KRAYEM in the other.

At the last moment, Mohamed BELKAID decides that Mohamed ABRINI will leave with the latter<sup>394</sup>. As it seems according to the message written by Najim LAACHRAOUI to Abou Ahmed:

*Those small problems there were, that could have been (...) before (...) there are a lot of these kind of problems that were eradicated, you see ... when we each took an apartment, (...) When we had (...) those kind of (...) overcrowding, sometimes that created tension etc. Now, praise God, you see ... eh there is less of that you see? So there"*<sup>395</sup>.

#### **4. The apartment on the rue Max Roos in Schaerbeek**

Rented by Ibrahim EL BAKRAOUI, this apartment has already been discussed in the first chapter.

It is there that the TATP is made.

This place is particularly well-adapted to the making of explosives. According to Mohamed ABRINI:

*"To prepare these kinds of things you need space, an apartment with a high ceiling, that is what Najim [LAACHRAOUI] told me because the smell is unbearable. The windows must be open all the time"*<sup>396</sup>.

#### **5. The studio on avenue des Casernes, 39 in Etterbeek**

As explained in chapter II, this studio, rented by Smail FARISI on 13 February 2015<sup>397</sup>, is sublet to Ibrahim EL BAKRAOUI as of 2 October 20015.

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<sup>392</sup> cfr audio "carved001884",.

<sup>393</sup> PV interrogation of Mohamed ABRINI, MOD9, C4, SF1, 16

<sup>394</sup> PV interrogation of Mohamed ABRINI, MOD9, C4, SF1, 16

<sup>395</sup> cfr PV 4009/17 attachment 2 transcript of the audio "carved001884" (MOD15, C15, SF2 16B)

<sup>396</sup> PV interrogation JI PANOU on 1 June 2016, added by PV 13854/19, MOD15, C30, SF1, 9D

<sup>397</sup> PV 14629/19, MOD9, C7, SF2, 13

Khalid EL BAKRAOUI comes to join them from 26 November 2015<sup>398</sup>, the day of Mohamed BAKKALI's arrest.

Bilal EL MAKHOUKHI and Mohamed ABRINI have been there. Ali EL HADDAD ASUFI has come there on numerous occasions, and Osama KRAYEM has lived there.

It's from this studio that Khalid EL BAKRAOUI and Osama KRAYEM, each with a rucksack on their backs, go to Pétillon station on 22 March 2016.

#### **6. Rue du Tivoli, 33 in Brussels**

This is the domicile of Hervé BAYINGANA MUHIRWA where Mohamed ABRINI and Osama KRAYEM have stayed after the hiding place in the rue du Dries was discovered.

#### **7. The box on avenue de l'Exposition 402 in Jette**<sup>399</sup>

In the proximity of the apartment on the rue de l'Exposition rented by Mohamed BAKKALI, Khalid EL BAKRAOUI has rented under the false identity of Mehdi ALAOUI the garage box 47 at number 402 of l'Avenue de l'Exposition. The lease runs until 17 June 2016<sup>400</sup>. Payment of the first 6 months (or until 20 March 2016) is one in cash.

This box is searched on 17 June 2016. There, another bag filled with hundreds of nuts is found<sup>401</sup>.

On 18 June 2016, railroad and subway police go inside the box to analyse the air by using electronic instruments. They find on the garage door traces of an explosive (HMDT) which is a blend of TATP. The air measured inside this garage has totally saturated the control devices while the other garage doors of the box all tested negative<sup>402</sup>.

(photos of the garage)

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<sup>398</sup> PV 29252/16 (MOD15, C9, SF2, 24) and PV 006379/19 (MOD15, C28, SF1, 1)

<sup>399</sup> In the audio file "carved001884", we learn that the tensions in the group are solved by the apartment's location on the rue Max Roos.

<sup>399</sup> PV 26431/16 (MOD15, C8, SF1, 42B)

<sup>400</sup> Day of the signature of the lease in Jette, (PV 37296/17, added by PV 26046/19, MOD 15, C31, SF3, 8)

<sup>401</sup> Interview of the owner Hayk TAMAZIAN (PV 26431/16, MOD15, C8, SF1, 42B) photo PV 26430/16 (MOD11, C1, SF19, 7) and PV26566/16, MOD15, C22, SF2, 15

<sup>402</sup> PV 4312/16, MOD15, C8, SF1, 43 and PV 26538/16, MOD15, C8, SF1, 42C

## **SECTION II – THE MEMBERS OF THE CELL RESPONSIBLE FOR THE BRUSSELS ATTACK**

The discovery of the apartments, the analyses of the crime lab, the use of the computers and the statements of the accused enables us to sketch a global image of the members of the terrorist group from 1 December 2015.

According to the elements in the file, the cell responsible for the attacks on 22 March 2016 consists of:

Fighters coming from Syria. They are trained for battle as Mohamed BELKAID (alias Samir BOUZID, nicknamed "Abou Abdelaziz"), Sofien AYARI ("Abou Hamza") and Osama KRAYEM (alias Naim AL AHMED, nicknamed "Abou Omar"). All three speak Arabic, Mohamed BELKAID and Sofien AYARI speak French as well.

Since Syria this group is led by "Abou Ahmed", identified as being Oussama ATAR.

These fighters are surrounded by confidants<sup>403</sup> in Belgium, which allows them to secure the necessary discretion in the operation of the group.

According to Mohamed ABRINI,

- *"It's BELKAID who was responsible for the hideout in Forest. The brothers EL BAKRAOUI were responsible for everything and LAACHRAOUI for Max Roos"*<sup>404</sup>.

### **Subsection I – THE KAMIKAZES**

**I. Najim LAACHRAOUI, alias Abdou Idriss, alias Abdou Idriss al-Baljiki, alias Ikrima(h)**<sup>405</sup>

**(photos of the kamikazes)**

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<sup>403</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>399</sup> PV 013851/16, MOD9, C4, SF1, 17

<sup>399</sup> PV 229712/19, MOD15, C30, SF2,14



## **A. BIOGRAPHY**

Najim LAACHRAOUI was born in Morocco on 18 May 1991. He died in Zaventem on 22 March 2016 by setting off the explosive charge by pushing the button while running through the main hall.

He is the eldest of 5 children born into a conservative family of Muslims. He is described as by his family as a kind, generous, pleasant person who doesn't talk a lot.

Being a brilliant student, he attends a catholic school before enrolling in the first year of engineer in the ULB, but he fails. He then enrolls in electromechanics at the school Cardinal Mercier, but fails again.

Najim LAACHRAOUI would turn radical in Molenbeek in a mosque located close to the Etangs Noirs (Brussels subway station). It's in that period that he participates in multiple manifestations organized mainly under the leadership of Sharia4Belgium, together with numerous other people, among which his friend Bilal EL MAKHOUKHI.

His father notices a change in his behaviour and in the way he dresses.

Najim LAACHRAOUI leaves Belgium on 17 February 2013 for Antalya and, from there, he joins Syria.

He travels through multiple cities (to Alep, Manbij, Idlib, Raqqah...), joins *Maglis Shura al-Mujahidin* and then the Islamic *state* of Iraq and the East.

Around July 2013, Najim LAACHRAOUI and Bilal EL MAKHOUKHI fight together.

On 5 November 2014, LAACHRAOUI arrives in Iraq, in Mosul. He's in contact with numerous French-speaking jihadists and especially with "Abou Omar Soussi", the profile used by Abdel Hamid ABBAOUD. He is ideologically very involved and seems convinced that what he does within the group Islamic *state* is justified and right.

He is seen as an ideological reference by numerous of his Facebook contacts, even more so because he seems to master the Arabic language.

He seems to have an important role within the group Islamic *state*. Najim LAACHRAOUI has mentioned on his Twitter account that for about five days he has stayed at the same "*Maqar*" as a military commander who's close to Abu Bakr AL BAGHDADI.

Four French journalists (Edouard ELIAS, Nicolas HENIN, Pierre TORRES and Didier FRANCOIS), who were taken hostage by the group "Islamic *state*", recognize him as being one of their guards<sup>406</sup>, at the same time as Mehdi NEMMOUCHE.

During the Spring of 2014, Najim LAACHRAOUI takes a tactical and arms (especially heavy arms) training. In May 2014, he hurt his leg in combat and during his recovery, he uses his time to spread an comment on information regarding the Islamic *state*.

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<sup>406</sup> Note SE 1 April 2016, MOD 15, C7, SF1, 13B

Contrary to what his family claims, Najim LAACHRAOUI maintains ongoing contact with this group. His family and friends seem to help, and certainly, admire him.

He is sentenced by default to 5 years in prison for participating in terrorist activities by the criminal court of Brussels on 3 May 2016.

According to Osama KRAYEM<sup>407</sup>, at the request of the "great emirs (Al-Adnani and others)", Oussama ATAR selects LAACHRAOUI for "*doing something*" in Europe.

On 29 August 2015, Najim LAACHRAOUI is checked in Serbia in the reception centre of Presevo under the false name of MHDFAWZI Tamaq born on 1 January 1995<sup>408</sup>.

On 9 September 2015, he is checked in Austria with Mohamed BELKAID and Salah ABDESLAM. Najim LAACHRAOUI then travels under the false identity of Soufian KAYAL.

On 7 October 2015, he rents, under the false identity of Soufian KAYAL, a house in Auvelais<sup>409</sup>. It's from there that the terrorists responsible for the Paris attacks of 13 November 2015 leave.

Najim LAACHRAOUI is suspected of having, with Ahmad ALKHALD, participated in constructing explosive devices used by the kamikazes of Paris.

According to Mohamed ABRINI, Najim LAACHRAOUI is, together with Abdel Hamid ABAAOUD and Khalid EL BAKRAOUI, one of the "chiefs" of the Paris attacks.

#### **B. FOR THE RECORD: HIS IMPLICATION IN THE BRUSSELS ATTACKS<sup>411</sup>**

After 13 November 2015, LAACHRAOUI stays at rue Henri Bergé for a short while.

*"There was Najim, Belkaid. We talked. We talk about how it would be better to travel with them and that we go to the end, that there was no turning back. We discussed this between us, to Salah"<sup>412</sup>*

Then he distances himself from the survivors and stays at downtown hotels for a couple of days<sup>413</sup>. He gets help there from an alcoholic man living in dire conditions<sup>414</sup> who lends him his papers in order to rent a room. By way of thanking him, LAACHRAOUI gives him the tablet he used for coordinating the Paris attacks.

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<sup>407</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>408</sup> PV 036427/21 (MOD21, C3, 48C).

<sup>409</sup> Particularly the DNA of Osama KRAYEM, Sofiane AYARI, Mohamed BELKAID, Omar DARIF, Najim LAACHRAOUI and Mohamed BELKAID are found there

<sup>410</sup> Interrogation JI PANOU 25 August 2016 added to PV 038424/16.

<sup>411</sup> As public prosecution ended by his death, we only state here some bullet points and résumé.

<sup>412</sup> Mohamed ABRINI PV interrogation of JI PANOU of 26 August 2016, added by 38424/16, MOD9, C4, SF1, 7

<sup>413</sup> namely at the Barry hotel

<sup>414</sup> Interview of Rhida BENJABOURIA, PV 47604/17 (MOD15, C31, SF3, 51B)

He joins the hideout of the rue du Dries from the start of his rent and then moves in in Schaerbeek rue Max Roos<sup>415</sup>.

He uses false documents to ensure his clandestine anonymity on Belgian soil. Two identical Belgian fake ID's in the name of David OLIVE SERRA are found: one in the apartment Max Roos and the other on what remain of the body of Najim LAACHRAOUI. They both have a photograph of Najim LAACHRAOUI on them.

According to the audio recordings found on the computer in the rue Max Roos, Najim LAACHRAOUI also goes by the name "Abdou Idriss" and "Ikrimah".

In preparation for these attacks, Najim LAACHRAOUI mainly comes on the scene as one of the leaders of the cell. In that way, Mohamed ABRINI indicates that he reminded his "brothers" each week to make their wills<sup>416</sup>.

He also seems to have had a leading role in the cell: being close to emir Abou Ahmed (alias Oussama ATAR), he knows and uses the secured means of communication to communicate with Syria. It is him who keeps about Ahmed informed of the general situation of the cell. He talks to him about new recruits, sends him encrypted messages about the advancement of the building of explosives or set targets via sharing sites.

It's him for example who has recorded, between 13 and 15 March 2016, the file "Carved001884".

Najim LAACHRAOUI is described as being the person who built the TATP<sup>417</sup>. He seems to have particularly benefited from the teachings of ALKHALD, the main bomber of the Paris attacks. He knows the manufacturing process and the necessary precursors for building bombs.

On 17 March 2016, between 12.50 hrs and 13 hrs<sup>419</sup>, he goes to the store CAPITANI to buy the wires, the tape, the battery connectors, the batteries, and the push buttons necessary to manufacturing the ignition device<sup>420</sup>.

On 21 March 2016, after Salah ABDESLAM's and Sofien AYARI's arrest, and also the publication of the photographs of the EL BAKKAROUI brothers and his name in the press, he records a final message for Abou Ahmed to inform him that he have decided to act hastily the following day<sup>421</sup>.

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<sup>415</sup> For example, the description made by RODRIGUES DA COSTA PEREIRA who confirms to have seen him "regularly" at the address (PV 13027/16, MOD6, C7, SF1, 26).

<sup>416</sup> ABRINI's statement PV interrogation of JI PANOU of 25 August 2016, added by PV 38424/16, MOD9, C4, SF1, 7.

<sup>417</sup> According to Mohamed ABRINI PV 42728/16 (MOD9, C4, SF1, 9)

<sup>418</sup> He goes back to Syria before the Paris attacks.

<sup>419</sup> According to the images on the surveillance cameras of the store CAPITANI.

<sup>420</sup> PV recapitulated interrogation of Hervé BAYINGANA MUHIRWA by the examining magistrate of 29 September 2017 (MOD9, C4, SF2, 12).

<sup>414</sup> Cfr "audio message" transcribed in attachment 1 of PV 004009/17 (MOD15, C15, SF2 16B).

He lets him know that the wills of the group members are sent and the measures taken to provide arms to possible followers and to allow "Abou Imrane" to continue communicating with Syria<sup>422</sup>.

On 22 March, it is him who, under the identity of SERRA, orders the taxi that takes them to the airport. In Zaventem, it's still him who, at Délifrance, will equip the ignition devices with 3 pieces of luggage.

Najim LAACHRAOUI is the second kamikaze who will blow himself up in Zaventem on 22 March 2016. Two of his fingers have been found in the area where he blew himself up<sup>423</sup>.

In claiming the Brussels attacks for the group "Islamic state", the magazine Dabiq<sup>424</sup> depicts his article with a photograph of Najim LAACHRAOUI back to back with Mohamed BELKAID and describes his life course in detail:

*"Brussels Airport istishhadi (Arabic word for "a martyr's death")*

*He was an unique man, equipped with excellent ways, always in service of his brothers, and very intelligent. His hijrah started in "2013", when he heard the call of the Muslims in Sham. He joined Majlis Shura al-Mujahidin, led by Abul-Athir al-Absi (may Allah accept) and, when the traitor al-jawlani betrayed the Islamic State, he was one of the first, joined by the rest of his group, to pledge allegiance to Amirul-Mu'minin Abu Bakr al-Baghdadi. He participated in numerous battles against the Nusayri regime before the apostates of the FSA would start their fight against the Mujahidin. Showing determination during the sahwah in Sham, he fought against them until his orders to retreat to ar-Raqqah. He continued to participate in raids until the moment when he gets hurt by getting a bullet in his leg during the raid against Jabhat al-Jawlani at al-Khayr.*

*After rehabilitating for a couple of months, he started to train in order to realise his dream of returning to Europe to avenge the Muslims of Iraq and Sham who suffered from constant bombings by war planes from crusader. At the end of his training, he took the long route towards France in order to execute his operation. It was Abou Idriss who prepared the explosive charges for the two raids in Paris and Brussels.*

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<sup>422</sup> PV 014530/16 (MOD 15, C1, SF1, 34) and PV 004009/17 (MOD15, C15, SF2 16B) for the details of these recordings.

<sup>423</sup> PV 036427/21, MOD21, C3, 48C

<sup>424</sup> PV 24775/16, MOD14, C3, F2, SF4, 3

<sup>418</sup> PV 24775/16, MOD14, C3, F2, SF4, 3

<sup>419</sup> PV 001246/17 (MOD15, C15, SF1, 16)

(Photograph of The Knights of Shahadah in Belgium)

## II. Mohamed BELKAID, alias Abou Abdelaziz, alias Samir BOUZID

Deceased on 15 March 2016 during the intervention of armed police force in rue du Dries in Forest<sup>426</sup>, this man of Tunisian nationality travelled a lot in Europe<sup>427</sup> before leaving Sweden to join Syria.

Mohamed BELKAID arrives in Belgian on 10 September 2015 with Najim LAACHRAOUI, driven by Salah ABDESLAM. Mohamed BELKAID travels with false papers drawn up in the name of Samir BOUZID.

According to Dabiq magazine:

*"He was a man full of wisdom, the commander of a group of fighters "inghimasi"<sup>428</sup>. Loved by all his brothers, he was known for his young age, his prayers throughout the night and his constant lecture of the Quran.*

*When BELKAID heard that "Abou Idriss" wanted to return to Europe to execute an istishhadi operation<sup>429</sup>, he decided right away to accompany and assist him in his mission."<sup>430</sup>*

His DNA places him in multiple apartments used for the Paris attacks<sup>431</sup>.

On 17 November 2015, around 17 hrs, Mohamed BELKAID goes into a phone-shop in the rue du Pavillon 80 in Schaerbeek<sup>423</sup> and wires via Western Union money for an amount of 750 euros to Hasna AIT BOULAHSEN, female cousin of Abdel Hamid ABAAOUD.

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<sup>426</sup> See p.. and following

<sup>427</sup> And especially in Belgium

<sup>428</sup> Fighters of special suicide forces

<sup>429</sup> A martyr operation

<sup>430</sup> OV 24775/16, MOD14, C3, F2, SF4, 3

<sup>431</sup> Take another look here at the PV transmitted by DELISEE

<sup>432</sup> PV 35630/17 added by PV 008226/18 (MOD15, C23, SF1, 9)

She harboured fugitives ABAAOUD and AKROUH after the Paris attacks.

The images drawn from the video surveillance of the phone-shop are published on 4 December 2016<sup>433</sup>, so much so that, from this date onwards, Mohamed BELKAID, just like Najim LAACHRAOUI, Salah ABDESLAM and Mohamed ABRINI, have to act as discretely as possible.

Being a soldier of the Islamic state, he is named the Emir of Forest by the group members who live with him, a reference man and confidant who calls himself Abou Abdelaziz<sup>434</sup>. He also seems to take part in the decision-making process when it comes to divide the group members into the different apartments.

On the PC found in the rue Max Roos, the text "*manuscript d'Abou Omar*", *Hamza et Abdelaziz*" is evidence of their willingness to succeed in their mission for which they have come to Europe.

On 13 March 2016, Ibrahim EL BAKRAOUI and Osama KRAYEM come to rue du Dries carrying equipment for the group's sports training. Ibrahim EL BAKRAOUI also informs Mohamed BELKAID of the death, on territory, of Abou Kazwara<sup>435</sup>. It's a close friend of Mohamed BELKAID who he would have known in Sweden. BELKAID would have been particularly affected by this.

On 15 March 2016, BELKAID fights against the police during the intervention on the rue du Dries and in this way allows Salah ABDESLAM and Sofien AYARI to flee.

He dies during the assault, "*while finalizing the preparations for the raid in Brussels*," "*with his team*"<sup>436</sup>.

**III. Ibrahim EL BAKRAOUI, alias "abou Walid" al Beljiki<sup>437</sup>**

(photograph of Ibrahim EL BAKRAOUI)

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<sup>433</sup> PV 004713/19 (MOD15, C26, SF2, 22)

<sup>434</sup> AYARI interrogation of JI PANOU, MOD 14, C3, F2, SF3, 2

<sup>435</sup> In an audio file sent to Abou Ahmed, Najim LAACHRAOUI relays a request from Mohamed BELKAID: "Abdelaziz (...) asks how Kaswara (...) has gone as a martyr, (...) he would like to know that..." (PV 003090/18, MOD15, C22, SF1, 16b)

<sup>436</sup> PV 24775/16 (MOD14, C3, F2, SF4, 3) and PV 018675/21 (MOD21, C2, 31)

<sup>437</sup> PV 19388/19 (MOD15, C29, SF2, 21)

## **A – BIOGRAPHY**

Ibrahim EL BAKRAOUI was born on 9 October 1986 in Brussels. On 22 March 2016 at 7.58 hrs, he sets off the first bomb in Zaventem at the departure counter of the company Delta Airlines.

He is the eldest son of a family of three living in Laeken. His school life is chaotic. He attended many schools among which the Cartigny institute where he gets to know Ali EL HADDAD ASUFI, Smail FARISI and Youssef EL AJMI, who is also one of his neighbours.

Like his brother, he becomes a known figure within the police department due to his delinquent behaviour which grows more and more violent, often as part of a gang.

In prison, he crosses paths with Mohamed ABRINI and is visited by his friends ALI EL HADDAD ASUFI, Youssef EL AJMI as well as by his cousin Oussama ATAR.

When he leaves prison on 23 October 2014, there's a change in his behaviour: he wears traditional clothes, appears radical. After having visited his cousin Oussama ATAR, he has become more strict in his religion. He does no longer shake hands with women and he strictly follows the prayer times<sup>438</sup>.

He learns Arabic with his brother Khalid and Mohamed BAKKALI. *"He told me that it was for the benefit of his religion."* points out ALI EL HADDAD ASUFI<sup>439</sup>.

According to Ali EL HADDAD ASUFI,:

*"Him, always trying to draw a bit of attention from everyone, to see who's interested. From the moment he notices that they aren't interested, he distances himself. They can see he's radicalizing, but he's careful"*<sup>440</sup>.

According to the file "\$RENMF3E" found on the computer on the rue Max Roos, it was in November 2014 that Ibrahim EL BAKRAOUI pledged allegiance to the Islamic state<sup>441</sup>.

Various people give evidence of Ibrahim EL BAKRAOUI's radicalization. According to Osama KRAYEM:

*"When he was besides Ibrahim, it was like he was besides an emir in Syria, he was very enthusiastic about the cause"*<sup>442</sup>.

On 11 June 2015, driven to Schiphol by Ali EL HADDAD ASUFI and Youssef EL AJMI, Ibrahim EL BAKRAOUI attempts to join the fighters in Syria. But he is arrested in Turkey.

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<sup>438</sup> PV 24901/16 (MOD9, C6, SF2, 2)

<sup>439</sup> PV 24901/16 (MOD 9, C6, SF2, 2)

<sup>440</sup> PV interrogation JI 9 June 2016, MOD 9, C6, SF2, 4

<sup>441</sup> see transcript in PV 13504/16 (MOD15, C1, SF1, 16)

<sup>437</sup> PV 21986/18, MOD 9, C5, SF1, 17



According to Osama KRAYEM<sup>443</sup>, when learning about the arrest of his cousin Ibrahim EL BAKRAOUI, Oussama ATAR contacts him and advises him to stay in Europe, because "the fights were going to him".

When DABIQ magazine claims the attacks, it presents Ibrahim EL BAKRAOUI as follows:

*"Ibrahim al-Bakrawi (Abu Sulayman al-Baljilil: Brussels Airport istishhadi Abu Sulayman was known for his courage and generosity, before and even more after he was guided by Allah. When he was incarcerated, he read about the atrocities committed against Muslims in Sham. Something opened his eyes and he decided to change his life, to live for his religion. After being released from prison, he joined his brother Khalid, started to buy arms, look for places to stay and devise projects. It's first of all thanks to Allah and then to Ibrahim and his brother that the raid on Paris has taken place"*<sup>444</sup>.

The testimony of a former cell mate of Ibrahim EL BAKRAOUI confirmed the publication made by the DABIQ magazine:

*"(Ibrahim) once came to me to ask if I could get my hands on arms, I asked him what kind and he responded "kalachnikovs" (after 2014), he saw me in front of the café (beneath my place) in Laeken on the rue Claesen 25, I worked there (I had an electronic ankle brace), I was in front of the establishment, he passed by, I ignored where he went, he stopped, we said hi, he asked me whether I knew where he could get his hands on weapons of war, he was in search for a few (3-4) and I said no.*

*EL BAKRAOUI knew my past via our time in the prison of Ittre (between 2012 and 2014). For me, he would do an armed robbery, he didn't tell me why.*

*I didn't agree to helping EL BAKRAOUI even when I could have made some money, I just got out of prison, I wouldn't get into trouble. Nowadays armed crimes are punished severely"*<sup>445</sup>.

Furthermore, Ibrahim EL BAKRAOUI is suspected to have gone, with the help of Ali HADDAD ASUFI, to Rotterdam to buy, through Anass AFADASS, the cousin of EL HADDAD ASUFI, five "Clio". This word, according to the investigation, is code for weapons of war. Those weapons would be used for the Paris attacks on 13 November 2015.

The machine gun VZ58 made in Slovakia of the make VZOR with serial number P36055, found on rue du Dries next to the body of Mohamed BELKAID, was clearly acquired in The Netherlands<sup>446</sup>.

Ibrahim and Khalid EL BAKRAOUI are suspected of having organized and coordinated the attacks of 13 November 2015 using phone-shops or phone numbers specifically to communicate with the different cell members responsible for the Paris attacks.

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<sup>443</sup> PV 17683/18 (MOD9, C5, SF1,16)

<sup>444</sup> PV 24775/16 MOD14, C3, F2, SF4, 3

<sup>445</sup> Interview of POLINO Leonardo, PV 004279/19, MOD 15, C26, SF2, 12

<sup>446</sup> PV 41836/17 from the file "B-PARIS" (C149, SF1,64)

Ibrahim EL BAKRAOUI's criminal record mentions multiple convictions and specifically a 10-year prison sentence pronounced by the Court of Appeal of Brussels on 1 March 2011, for facts of attempted murder, attempted armed robbery, with car and causing a permanent physical or psychological incapacity, attempted aggravated and armed robbery as part of a gang, with car, possession of banned arms and fire arms without permit.

The Criminal Court of Brussels also convicted him to a 40-month prison sentence with probation for the time exceeding custody by judgment pronounced on 16 June 2011 for, particularly, aggravated robbery, as part of a gang, with arms and with car, arbitrary detention and criminal affiliation.

## **B. A REMINDER: HIS IMPLICATION IN THE BRUSSELS ATTACKS<sup>447</sup>**

### **1. The search for arms**

The group seems to have had problems finding the arms they want. As you can hear on the audio message recorded on 21 March 2016, *"the arms, they are late"*<sup>448</sup>, is Ibrahim EL BAKRAOUI, who wouldn't go anywhere without arms, in search for them.

It's him who writes "Remington 1911 cal 45" and "CZ Zastava 7,65" on the back of a fax receipt of a doctor's certificate of Ali EL HADDAD ASUFI sent on 19 January 2016 at 17.50 hrs<sup>449</sup>. These handguns correspond to those that were found on 22 March 2016 next to his and Najim LAACHRAOUI corpse.

Lastly, according to Osama KRAYEM, he brings a bag of arms into the apartment on the rue du Dries in Forest.

### **2. Management of the hiding places**

Ibrahim EL BAKRAOUI lives on avenue des Casernes until 29 February 2016.

The round trips of the two EL BAKRAOUI brothers are spotted on the surveillance images of the studio on l'avenue des Casernes<sup>450</sup> and are analysed thanks to the found MOBIB cards. Their trips are clearly filled out. They leave the flat almost every day in the afternoon to return in the evening, and both seem to have their own independent activities. Ibrahim EL BAKRAOUI, like his brother, accessorizes with bonnets, scarves, sunglasses and sometimes wigs to disguise his face.

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<sup>447</sup> As public prosecution ended by his death, we only state here some bullet points and résumé.

<sup>448</sup> Cfr "audio message" transcribed in attachment 1 of PV 004009/17 (MOD15, C15, SF2 16B).

<sup>449</sup> PV 503312/16 (MOD14, C13, SF1, 44) and PV 006226/18 (MOD15, C22, SF1, 14C)

<sup>446</sup> PV 6379/19

He visits almost daily the members of the cell living in Forest on rue du Dries where he leaves his prints and DNA.

Ibrahim EL BAKRAOUI rents the apartment on rue Max Roos in Schaerbeek under the false name of DOS SANTOS, while signing the LAMPIRIS contract with the usurped name Pieter TIMMERS<sup>451</sup>.

He equips the apartment on the rue Max Roos so that a part of the group can move in there: *"before we arrived, EL BAKRAOUI had everything set up, he put in mattresses, arranged the kitchen. Shampoo, toothbrush, it was all new"*<sup>452</sup>.

He travels daily between the rue du Dries and the rue Max Roos. But he only rents rue Max Roos himself from 1 March 2016.

After the police intervention on 15 March 2016, he decides to move Osama KRAYEM and Mohamed ABRINI in with Hervé BAYINGANA MUHIRWA.

He, himself, stays at rue Max Roos with Najim LAACHRAOUI, then is joined by Mohamed ABRINI, while Osama KRAYEM moves to l'avenue des Casernes.

According to what Osama KRAYEM says, it's because "they understood that they were busted and it was over for them" that Ibrahim EL BAKRAOUI, Khalid EL BAKRAOUI and Najim LAACHRAOUI decided to die<sup>453</sup>.

### **3. Preparing and building bombs**

Ibrahim EL BAKRAOUI actively participates in purchasing utensils and precursors needed to build the TATP and the bombs used during the attacks of 22 March 2016.

### **4. The audio recordings found "on the PC on the rue Max Roos"**

"Abou Souleyman", alias Ibrahim EL BAKRAOUI uses in the present case, comes up as one of the three main figures of the terrorist cell being in contact with the emir who stayed in Syria, "Abou Ahmed".

The audio recordings found on the PC "on the rue Max Roos", establish the small link between the terrorists in Belgium and the leader staying on site. They also demonstrate the leadership roles that Abou Souleymane, Abou Walid (alias Khalid EL BAKRAOUI) and Abou Idriss (alias Najim LAACHRAOUI) assume.

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<sup>451</sup> PV 14008/16.

<sup>448</sup> Mohamed ABRINI PV interrogation of JI, 22 November 2018 (MOD9, C4, SF1, 16)

<sup>449</sup> PV interrogation JI PANOU of 4 November 2016, added by PV 47688/16, MOD 9, C5, SF1, 10

Analysis of the computers found on rue du Dries et rue Max Roos show that Ibrahim EL BAKRAOUI also participated in the search for achievable targets.

On multiple recordings you recognize the voice of Ibrahim EL BAKRAOUI. This is especially the case on the files found on the USB stick in possession of Ali HADDAD ASUFI among which the very explicit file *"Abou Souleyman pour les frères"*. In this message that lasts almost 7 minutes, Ibrahim EL BAKRAOUI glorifies the fights at Sham and elsewhere. He is critical of the West, praises and justifies the djihad. He defends his brothers who fight "here". He also encourages everyone to do the hijra and to kill all the infidels, civilians included<sup>454</sup>.

His testament illustrates his extreme radicalization, his willingness to die for his cause and to encourage his "brothers" to do the same.

**IV. Khalid EL BAKRAOUI, alias Abou Walid al-Baljiki, alias Mehdi ALAOUI, alias Mehdi VANDENBUS**<sup>455</sup>

(photograph of Abou Walid al-Baljiki)

#### **A – BIOGRAPHY**

Khalid EL BAKRAOUI was born on 12 January 1989 in Brussels. He died on 22 March 2016 in the subway station Maelbeek, while setting off the bomb he carried in a rucksack.

As a child, Khalid EL BAKRAOUI lives with his parents, brother and sister in 1020 Laeken, rue Van Gulick 40. He is the youngest of the three siblings.

His father keeps a butcher shop in Schaerbeek. His mother, Khadouj BENHATTAL, is a housewife. Khalid and Ibrahim are like two peas in a pod from when they were both small.

Like his brother, Khalid EL BAKRAOUI attends, among others, the technical Institute Cartigny together with Ali EL HADDAD ASUFI, Smail FARISI and Youssef EL AJMI.

He enjoys a classic childhood.

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<sup>451</sup> PV 25745/16 MOD 9, C5, SF1, 10

<sup>448</sup> PV 20509/19 (MOD15, C31, SF3, 10)

As an adolescent, Khalid EL BAKRAOUI lives a life of crime, just like his brother and most of his cousins and friends. After committing facts of petty theft, he gets involved in facts of armed robbery, using weapons of war and is implicated in the purchase of Kalashnikov chargers. He's incarcerated until May 2013.

To work out, he goes to the Queensbury room<sup>456</sup>.

During his stay in prison, Khalid keeps enjoying the company of his trusted brother and friends. He is particularly visited by Ali HADDAD ASUFI, Youssef EL AJMI as well as by his cousin Oussama ATAR, named by various people as the basis of his radicalization. The file says that Oussama ATAR visits Khalid EL BAKRAOUI 13 times, in 2012 and 2013, while visiting Ibrahim EL BAKRAOUI 21 times. According to Ali EL HADDAD ASUFI<sup>457</sup>, Khalid and his cousin Oussama ATAR are very close.

In June 2013, Khalid EL BAKRAOUI meets Nawal ADHAR to whom he gets married a year later.

Out of this union a son named Zyad was born on 2 May 2016.

Placed under electronic surveillance on 6 September 2013, he gets out on 6 January 2014. He uses his free time well by following intensively Arabic lessons in a social promotion school in Uccle. There he meets Mohamed BAKKALI<sup>458</sup> with whom he sells household appliances and counterfeit goods.

After being released in January 2014, Khalid EL BAKRAOUI appeared to have changed a lot: he's radicalized and is "hardened".

According to multiple witnesses<sup>459</sup>, he detests Belgium and doesn't hide his intention to go to Syria. He talks about it to his entourage. He gets more and more radical and more and more menacing. *"In prison he had already held certain hate speeches ... he talked about killing the infidels. When he got out, I think he spent a lot of time with Oussama ATAR. I know he had contact with him and listened to him a lot."*

At the end of September 2014, the spokesman of the terrorist group Islamic state, EL ADNANI, calls on all Muslims to ask them to commit attacks and murders in the west.

From 3 to 14 November 2014, Khalid EL BAKRAOUI and his wife Nawal ADHAR are on holiday in Adana (Turkey). Khalid EL BAKRAOUI takes advantage of leaving her alone at the hotel for a day telling her that he has stuff to do, while he is just about a hundred kilometres from the Syrian border.

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<sup>456</sup> PV 16138/19 MOD15, C30, SF1, 3)

<sup>457</sup> PV 24901/16 (MOD 9, C6, SF2, 2)

<sup>458</sup> Mohamed BAKKALI is prosecuted for the numerous services he rendered to his friend Khalid EL BAKRAOUI, services placed in a new light following the Paris attacks.

<sup>459</sup> Interviews of Youssef SIRAJ and Bilal CHATRA, PV 32186/18 (MOD15, C26, SF1, 20) resuming a copy of the PV 42761/17 of the file of the attack on the Thalys.

According to Osama KRAYEM<sup>460</sup>, Khalid EL BAKRAOUI would have gone to Syria, where he would have been in contact with Oussama ATAR, EL ADNANI, as well as with certain emirs.

According to Nawal ADHAR: *"When he returned, Khalid apologized. He told me that these things he had to do were important to him, that he was in need of rejuvenation. The only thing I could think of, is that Khalid went to see his cousin ATAR Oussama to give him something, or news of his mother, or simply to see him"*<sup>461</sup>.

At the end of 2014 – beginning of 2015, Khalid EL BAKRAOUI develops a real obsession for Syria *"he talked about it all the time and to everyone"* his wife says<sup>462</sup>.

It's at that time he changes his name to Abou Walid.

He, like his brother Ibrahim, approves the Charlie Hebdo attacks in January 2015<sup>463</sup>.

The preparation for the Paris attacks seems to begin during the summer of 2015 with different trips to Greece by Ibrahim EL BAKRAOUI, Khalid EL BAKRAOUI, Abdel Hamid ABAAOUD, Salah ABDESLAM, Ahmed DAHMANI and Ayoub EL KHAZZANI.

Khalid EL BAKRAOUI is suspected to have organized the logistical support for Ayoub EL KHAZZANI, the perpetrator of the attempted attack committed on the Thalys on 21 August 2015, when he returned to Europe, but also for Abdel Hamid ABAAOUD and Bilal CHATRA.

Leaving Syria, those three persons take "the Balkan route" to commit attacks in Europe. Khalid EL BAKRAOUI is in contact with Mohamed BAKKALI who maps out a trajectory to repatriate them.

Khalid EL BAKRAOUI sets them up with a childhood friend until Abdel Hamid ABBAOUD gives the order to attack the Thalys.

Khalid EL BAKRAOUI is accused of being, with his brother Ibrahim, the main logistics officer and coordinator of the Paris attacks of November 2015.

His implication is apparent in renting of multiple apartments which he rented under false identities, and also in various preparations.

Khalid EL BAKRAOUI is also implicated in providing the logistics for these attacks via ordering false documents for the members of the terrorist cell and the renting of the rue du Fort 9 in Charleroi (under the false identity of Ibrahim MAAROUFI) and of a garage box located in Jette, avenue de l'exposition (under the false identity of Mehdi ALAOUI).

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<sup>460</sup> PV 017683/18 MOD9, C5, SF1, 16)

<sup>457</sup> PV 050437/16, from "B-PARIS", C143, SF1, 21

<sup>458</sup> PV 15245/16 (MOD15, C3, SF1, 14)

<sup>459</sup> According to Mohamed BAKKALI PV 13129/19 (in Paris)

According to Nawal ADHAR, on the evening of 13 November 2015, her husband is home. Husband and wife go through the information together. Khalid EL BAKRAOUI doesn't show "*that he was aware of anything*"<sup>464</sup>.

The relationship of the couple goes sour. Khalid is distant. He wouldn't reveal anything of his activities.

Being pregnant, Nawal ADHAR leaves Khalid EL BAKRAOUI mid-November 2015<sup>465</sup>.

On the evening of 26 November 2015, the day of Mohamed BAKKALI's arrest, Khalid EL BAKRAOUI moves into the apartment of Smail FARISI. He stays at l'avenue des Casernes until 22 March 2016.

Khalid EL BAKRAOUI's criminal record mentions multiple convictions: as of 2005, he is sentenced by the youth court of Brussels for severe violence, for attempted robbery by breaking and entering, insulting a police officer and also armed robbery, taking hostages, menaces under order or under conditions and carrying prohibited arms.

But his life of crime in Belgium seems yet to continue when leaving prison: he is suspected of having ordered the purchase of numerous chargers for weapons of war which were bought partly in October and November 2014 from gun shop DEKAISE in Wavre<sup>466</sup>, and partly in July and August 2015<sup>467</sup>. Khalid EL BAKRAOUI denies any implication in these facts, despite the gathered elements<sup>468</sup>.

## **B HIS IMPLICATION IN THE BRUSSELS ATTACKS<sup>469</sup>**

### **1. Management of the cell**

The EL BAKRAOUI brothers take precautions in remaining underground to keep the group functioning well. They manage the apartments, organize the movements of the cell members and the communication between the hiding places.

According to Mohamed ABRINI, "*It's Khalid who takes care of the money for buying groceries*".

As of Mohamed BAKKALI's arrest, Khalid EL BAKRAOUI moves into the apartment of Smail FARISI on l'avenue des Casernes. He stays there until 22 March 2016.

On 1 December 2015, Khalid EL BAKRAOUI rents the apartment on rue du Dries under the false identity of VANDENBUS Mehdi. He signs the lease on 2 December 2015<sup>470</sup>, but he doesn't stay in this apartment himself. He sets up Mohamed BELKAID, Najim LAACHRAOUI and Sofien AYARI there.

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<sup>464</sup> PV 15245/16 (MOD15, C3, SF1, 14)

<sup>465</sup> PV 15245/16 (MOD15, C3, SF1, 14)

<sup>466</sup> Carried out by L'MABROUK Yassine on 17 October and 7 November 14 (17 Kalashnikov chargers)

<sup>467</sup> On 7 July 2015 and 11 August 2015) by Mohamed BOUTMARET and Zohar EL HALIMI (14 AK47 chargers)

<sup>468</sup> PV 930/16 (MOD14, C6, SF1, 3)

<sup>469</sup> As public prosecution ended by his death, we only state here some bullet points and resumé.

<sup>470</sup> PV 11943/16 (MOD 14, C2, SF1, 23)



Around 10 January 2016, Osama KRAYEM, Salah ABDESLAM and Mohamed ABRINI join them.

The many round-trips of the two brothers are visible on the images of the surveillance cameras of the flat on avenue des Casernes. Their trips to the various apartments have also come to light by checking their phone records and because of their use of public transport.<sup>471</sup>

Khalid EL BAKRAOUI seems more suspicious than his brother. He regularly checks whether he's been followed or watched. He makes sure that he's not recognized by the police, wears glasses or wigs, dyes his hair.

A manual for dyeing your hair is found in the bathroom on the rue du Dries. On the images on avenue des Casernes, one sees him entering the flat with bleached hair.

## **2. Preparation for the attacks**

According to Mohamed ABRINI, in January 2016: *"It's Brahim's brother who bought the products I think. I think he stocked it in a garage box. We're talking about cans of 30 litres that they brought with them one by one"*<sup>472</sup>.

Khalid EL BAKRAOUI does indeed rent another garage box located in Jette avenue de l'exposition under the false identity of Mehdi ALAOUI<sup>473</sup>.

According to Alexandrino Manuel RODRIGUES DA COSTA PEREIRA<sup>474</sup>, Khalid EL BAKRAOUI goes in the flat on the rue Max Roos every day, in such a way that he thinks that Khalid EL BAKRAOUI lives there with his brother<sup>475</sup>.

The elements discovered in the different apartments paint a certain picture of what the group was up to until the police intervention of 15 March 2016: the TATP is prepared, arms are collected, targets are researched. The future fighters train physically, read a lot of rigorist literature and make their wills. Khalid EL BAKRAOUI participates actively in this life.

## **3. After the intervention on the rue du Dries**

On 16 March 2016, the day after the shooting on the rue du Dries, Khalid EL BAKRAOUI leaves his place particularly early (6.31 hrs). He returns to the address at 31.12 hrs in the company of Bilal EL MAKHOUKHI, then they go to rue Max Roos together.

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<sup>471</sup> See PV 39224/16 from "B-PARIS" (C141, SF1, 37)

<sup>472</sup> PV 15784/16, MOD 15, C 2, SF2, 20)

<sup>473</sup> Since 26 September 2015

<sup>474</sup> Janitor of the rue Max Roos (PV 13027/16, MOD6, C7, SF1, 26)

<sup>475</sup> His DNA profile is found on a handkerchief, a glasses case and a green chiffon (PV 23322/18, MOD15, C25, SF2, 22C).

At 21.16 hrs, he returns to l'avenue des Casernes with Osama KRAYEM and moves in with him in the flat.

That day, the press publishes the photographs of the EL BAKRAOUI brothers and reveals *"the real part of the EL BAKRAOUI brothers in the Paris attacks"*. In fear of being identified, Khalid EL BAKRAOUI, from that moment on, doesn't leave his hiding place until 22 March 2016.

That evening, Smail FARISI comes to sleep in his studio. After a discussion, Khalid would have promised him to leave the flat on 22 March. Smail FARISI then would return to his apartment daily.

On the evening of 21 March 2016, Osama KRAYEM brings into the studio the rucksacks in which the bombs are placed.

On 22 March 2016, Khalid EL BAKRAOUI leaves, accompanied by Osama KRAYEM, the flat on avenue des Casernes at 8.19 hrs. They both carry rucksacks. Khalid EL BAKRAOUI also carries a tablet. They are headed together towards the subway station Pétillon. Only Khalid EL BAKRAOUI would set off the bomb he carries into the subway station Maelbeek.

#### **4. The claiming of the attack by Dabiq magazine**

Dabiq magazine portrays Khalid EL BAKRAOUI in those terms:

*"A man with a strong character, a natural leader, Khalid has been guided after having had a dream that changed his life while he was in prison. He saw the he was on the side of the Prophet, fighting the infidels"*<sup>476</sup>.

This *"vision"* depicted in this magazine is based on a text found on the computer on the rue Max Roos. But while the text written by Khalid EL BAKRAOUI mentions the presence of *"Hamza and Souleymane"* by his side, the article only mentions *"Souleymane and another brother"*.

Similarly, while the original text speaks of *"sheih adnani and abou ahmed"*, the article only cites *"one of the brothers working on the operation and Shayk al-Adnani"*.

Two names are thus deliberately left out by Dabiq magazine: Hamza, nickname of Sofien AYARI, and Abou Ahmed, *kunya* of Oussama ATAR.

At the moment those claims are published, Sofien AYARI and Abou Ahmed are alive. Therefore, the Islamic state doesn't reveal their presence.

And the magazine ends its portrait of Khalid EL BAKRAOUI as follows:

*"After having left prison filled with convictions and resolutions, he started to give da'wah (call to converting to Islam, note of the translator) in his neighbourhood, calling on youth to do hijrah (migration, note of the translator) in Sham. He also wrote some articles on the crusades in history, battles of the West against the Muslims.*

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<sup>476</sup> PV 1246/17 MOD 15, C15, SF2, 16

*Every preparation for the raids in Paris and Brussels started with him and his older brother Ibrahim. Those two brothers have collected the arms and the explosives”.*

## **5. His will**

Khalid EL BAKRAOUI's will, drawn up on the computer found on rue Max Roos, is published on the Internet on 17 July 2016 by the media branch of the Islamic state "Furat". In the will, he promises terror in order to put an end to those criminal cruelties committed by "*the children of the crusaders*."<sup>477</sup>

## **Subsection II – PRESENTATION OF THE SURVIVING MEMBERS OF THE CELL RESPONSIBLE FOR THE BRUSSELS ATTACKS**

Besides the kamikazes, the investigation focuses in on the intervention of multiple persons in the execution of those attacks. To draw a clear picture, we will do a quick sketch of their roles in the attacks, before going to them in greater detail in the following sections.

Salah ABDESLAM ("Abou Abderrahman") and Mohamed ABRINI ("Abou Yahya"), after their return from Paris, go back to Belgium. Searched for by the police, they hide at rue Henri Bergé. Then they decide to follow the EL BAKRAOUI brothers, Mohamed BELKAID and Najim LAACHRAOUI in new terrorist activities. They know Belgium well, as they have lived there since their birth.

Sofien AYARI and Osama KRAYEM return to the same place when returning from Schiphol where they were on 13 November 2015. Not having ties in our country, they also decide to follow the ones they call their "*brothers*" in their new terrorist activities. Both of them fought in Syria during multiple years within the Islamic state.

As already indicated, the group rents multiple hideouts and divides them in function of affinities and necessities.

On 15 March 2016, at the time that the apartment on the rue du Dries is discovered, Salah ABDESLAM and Sofien AYARI flee. They are arrested on 18 March 2016, four days before the attacks.

After the flat on avenue des Casernes is discovered, the analysis of the images of the entry hall of this flat reveals Bilal EL MAKHOUKHI at the side of Khalid EL BAKRAOUI.

Bilal EL MAKHOUKHI fought in Syria under the kunya "Abou Imrane". He was convicted for those facts by the criminal court of Antwerp on 11 February 2015. On top of this presence on avenue des Casernes, his DNA is found on rue Max Roos.

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<sup>477</sup> PV 50156/16 MOD15, C14, SF1, 9

He is very close to his friend Hervé BAYINGANA MUHIRWA; it is in the residence of the latter that Mohamed ABRINI and Osama KRAYEM find refuge the evening of the shooting on the rue du Dries, and also after the attacks on 22 March 2016.

The investigation tends to identify Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA as the before-mentioned "IMRANE" and "AMINE" of whom there's mention on the audio files found on the computer on the rue Max Roos, and on the abandoned piece of paper in the apartment. In the apartment on the rue Max Roos, Bilal EL MAKHOUKHI leaves his DNA on a goblet and on a date pit<sup>478</sup> while investigators find DNA of Hervé BAYINGANA MUHIRWA on a cotton swab<sup>479</sup>.

After the attacks, Mohamed ABRINI alias "Abou Yahya" acknowledges being "the man with the hat" who flees Zaventem after the first two explosions. His presence is established on rue du Dries and then on Max Roos. Furthermore, he is present in the apartment of Hervé BAYINGANA MUHIRWA. He is seen furtively accessing the apartment of Smail FARISI without staying there though.

Osama KRAYEM alias "Abou Omar" acknowledges being the man carrying a rucksack identical to the one the kamikaze carried in Maelbeek, but who turned around without entering the subway. He's successively present in the apartments on the rue Dries, the rue Max Roos, the rue du Tivoli and l'avenue des Casernes.

Ali EL HADDAD ASUFI is a close friend of Ibrahim EL BAKRAOUI: they attend the same school, which is also attended by Khalid EL BAKRAOUI. After the Paris attacks, he continues to see and help Ibrahim EL BAKRAOUI. He's also in frequent contact with Khalid EL BAKRAOUI.

His presence is established on avenue des Casernes and his DNA is found on a goblet thrown in one of the garbage cans of the apartment on the rue Max Roos bought on 19 March 2016<sup>480</sup>.

Smail FARISI is the holder of the lease of the apartment located on avenue des Casernes in which the EL BAKRAOUI brothers continue to live after the Paris attacks. Ali EL HADDAD ASUFI and Smail FARISI visit there regularly. Osama KRAYEM finds refuge there before the attacks of 22 March. Starting place of the "Maelbeek commando", it's also to this apartment Osama KRAYEM returns to empty his rucksack which he doesn't set off. The day following the attacks, Smail FARISI empties his studio with the help of his brother and changes the locks.

Finally, Ibrahim FARISI comes to his brother's aid when he hastily evacuates the studio on avenue des Casernes which is abandoned by the members of the terrorist cell.

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<sup>478</sup> In the garbage can of the apartment's kitchen on the rue Max Ross (MOD

<sup>479</sup> In a garbage bag found in the hall of the apartment on the rue Max Roos

<sup>480</sup> PV 29251/16 (MOD7, C3, SF3, 10)

## TITEL V: THE ACCUSED

### CHAPTER I: OUSSAMA ATAR

#### **Alias "Abou Yaser al-Iraqi", "Abou Khattab" and "Abou Ahmed"**

##### **A. PROCEDURE**

Oussama ATAR was indicted by the examining magistrate for the participating in activities of a terrorist group, assassination in a terrorist context and attempted assassination in a terrorist context.

There was an international warrant for his arrest by default and an European warrant for his arrest issued on 30 December 2016<sup>481</sup>.

After briefly having related the explosions and the discovery of the conspiratorial apartment rue Max Roos, the examining magistrate has motivated this arrest warrant in these terms:

*"During the house searches at the address rue Max Roos 4 in 1030, investigating teams have seized a computer that appears to be used by the perpetrators of the facts. Audio recordings were uncovered during the analyses. There is mention of the preparation of the explosives, as well as the determination of different possible targets or ways of action. Multiple recordings are addressed to someone referred to as "Abou Ahmed", of whom advice or instructions are asked. Abou Ahmed is said to be found in the Syrian area. The recordings are done in the French language and the interlocutors seem to be close to each other (familiar language between them).*

*Follow-up enquiries would have<sup>482</sup> enabled the identification of "Abou Ahmed" as being ATAR Ouassama, who indeed is to be found in Syrian territory and has family ties with the EL BAKRAOUI brothers.*

*He is said to have been identified by a suspect held in France regarding the attacks which have occurred in Paris on 13/11/2015. The investigation have succeeded in establishing links between the Brussels attacks and the Paris attack.*

On top of his participation in assassinations in a terrorist context and attempted assassinations in a terrorist context, the public prosecutor has stated in his closing speech that Oussama ATAR has participated in the activities of the terrorist group in the capacity of leader.

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<sup>481</sup> Module 8 cardboard 7 (classified under the subfolder of the pre-trial detention of EL AJMI and TABICH)

<sup>482</sup> It should be noted that the conditional tense used by the examining magistrate in the arrest warrants and by the magistrates of the public prosecutor's office in their closing arguments, is justified by the necessity of respecting the presumption of innocence of which everyone must benefit when they haven't been found guilty yet.

In its arrest of 17 September 2021, the Court of Appeal of Brussels, indictment division, after having established the sufficient and serious charges against Oussama ATAR, has ordered the accused to stand trial before the Assize Court of the administrative district Brussels-Capital for these offences.

His standing trial before the Assize Court concerns the facts committed in Zaventem as in Maelbeek. About 22 March 2016, the objective of the terrorists was to commit coordinated and simultaneous attacks in Zaventem and in Maelbeek, meaning that the different set targets have to be regarded as one whole attack scene. Consequently, Oussama ATAR, like the other accused, must be seen as co-perpetrators of the whole of the attacks committed on 12 March 16, without making a distinction of the target assigned to each of them.

## **B-BIOGRAPHY**

Oussama ATAR was born on 4 May 1984 in Brussels. He is, on his mother's side, first cousin of the EL BAKRAOUI brothers.

His school life ends in June 2003 with a 5<sup>th</sup>-year of technical studies (orientation chemical technician), which will give him the nickname 'chemist'<sup>483</sup>.

In 2003, he leaves for Syria to learn Arabic.

According to the Public Security<sup>484</sup>, he is in Iraq in July 2004. He is said to have joined jihadist camps after having participated in a military training and he is said to have fought at Fallujah in the group "Abou Yasir" ending up in the AL Qaida movement<sup>485</sup>.

On 25 February 2005, he's arrested in Husaybah in Iraq. According to Interpol, he had false papers, a shrapnel from a grenade in his leg and hung with people who were searched by the army. His name appears on a list of fighters which was recuperated during a military operation. This document reveals his abilities (raids, small arms, knowledge of the French, Dutch and Arabic language, as well as his capacity of Fallujah veteran). The document specifies that he entered Iraq in July 2004, and that his passport is "*with Abou Istrabaq via Abou Yasir and Muhammad Al Adnani*".

On 27 February 2007, he is convicted of a life sentence by the Iraqi authorities for staying there illegally. This punishment is ultimately commuted to 10 years in prison. He remains detained under American surveillance in the prisons Abou Ghraib, "Camp Cropper" and "Camp Bucca".

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<sup>483</sup> PV 31781/16 (MOD15, C11, SF2, 9)

<sup>484</sup> Note NS of 27 June 2018 (MOD 15, C31, SF3, 34)

<sup>485</sup> PV 23545/18 (from the file FD35.98.170/17, C10, SF1, 116)

In Camp Bucca, he is incarcerated with Abou Bakr AL BAGHDADI.

Oussama ATAR is liberated in August 2012 because of medical issues and returns to Belgium. When he got back, he *"was fully engaged on his radical ideas"* Ali EL HADDAD ASUFI says in his statement<sup>486</sup>.

In 2012 and 2013, Oussama ATAR frequently visits his cousins, the brothers EL BAKRAOUI, in prison as well as at their home.

When Belgium issues him his passport in October 2013, Oussama ATAR tries to go on holiday in Tunisia, but is refused access by the authorities of that country.

On 6 December 2013, the reservation for a round-trip ticket for Istanbul is done in his name. He leaves on 11 December 2013<sup>487</sup>, but doesn't make use of the foreseen return trip. He will be deregistered as to his domicile in Brussels.

He seems to have gone back to Syria, to the zone controlled by the terrorist group "Islamic state" of Iraq and the East" in which EL ADNANI and Abou Bakr AL BAGHDADI are. At that time, Abdel Hamid ABAAOUD, Najim LAACHRAOUI, Bilal EL MAKHOUKHI, Osama KRAYEM, Sofien AYARI and Mohamed BELKAID are also in Syria.

At the end of March-the beginning of April 2017, Malika BENHATTAL (Oussama ATAR's mother) declares to have received multiple calls and a text *"why aren't you answering?"* coming from an Iraqi phone number. She thinks that her son was trying to call her.

His death was announced by the terrorist group Islamic state in April 2019<sup>488</sup>. Yet, in the absence of any evidence that the person of interest is really dead, the prosecutions against him cannot be considered terminated.

Being frequently in contact with Abou Bakr AL BAGHDADI and Mohamed AL ADNANI in the Iraqi prisons enabled Oussama ATAR to gain access into the hierarchy of the terrorist group Islamic state in Syria.

Moreover, this explains how he was able to take as *kunya* a first name followed by either "Al Iraki" (the Iraqi), or "Al-Baljeqi" (the Belgian).

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<sup>486</sup> PV 24901/16 (MOD 9, C6, SF2, 2)

<sup>487</sup> Note NS of 27 June 2018 (MOD 15, C30, SF3, 34)

<sup>488</sup> National Security had announced this in a note of 16 January 2018 (MOD 15, C22, SF1, 15)



## **C – AS REMINDER<sup>489</sup>: HIS IMPLICATION IN THE PARIS ATTACKS**

Justice of France accuses Oussama ATAR of having commanded and led, from Syria, the Paris attacks.

## **D – HIS IMPLICATION IN THE BRUSSELS ATTACKS**

### **1. The nicknames or “kunya” of Oussama ATAR: Abou Yaser al-Iraqi, Abou Khattab and Abou Ahmed<sup>490</sup>**

In the current case, Oussama ATAR is identified as carrying the *kunya* “Abou Ahmed Al-Iraqi”<sup>491</sup>. It’s to Abou Ahmed, who stayed in Syria, that the members of the cell address.

These *kunya*s allow the persons of interest to hide their real identities and it isn’t rare for them to change those from time to time, particularly when the identity of one of them is in danger of being discovered.

In that way, on the recording of the audio message that was left in the computer on the rue Max Roos, on 21 March 2016, the cell advises Abou Ahmed to change *kunya* after the arrest of Salah ABDESLAM<sup>492</sup>: Najim LAACHRAOUI and Ibrahim EL BAKRAOUI indicate to ATAR to have mentioned to “Abou Imrane” that their correspondent is named “Ikreima”<sup>493</sup>.

It is custom for a man to take as *kunya* the first name of his first child, preceded by the word Abou (“father of...”). Those who doesn’t have children use the first name of their father.

Two elements are found for Oussama ATAR: firstly, his father’s first name is Ahmed<sup>494</sup>,

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<sup>489</sup> As a reminder, the facts committed in relation to the Paris attacks are cited in the present file only for informational purposes only. These facts are situated in a period prior to the infringement period entered in our file. It seemed important to us to bring up for each of the accused, the elements which allow us to know their state of mind and their backgrounds at the time when the infringement period of the present file begins. The accused is only persecuted in Belgium for the facts committed in relation to the present file.

<sup>490</sup> La *kunya* “Abou Ahmed” spelled in different ways (e.g. : Abu Ahmad, Abou Ahmad, Abou Ahmed, Abou-Ahmed), in function of the Arabic or English spelling.

<sup>491</sup> PV 24091/16 (MOD 9, C6, SF2, 2)

<sup>492</sup> Cfr “the audio” (audio message) ... “We don’t know why they left [the rue du Dries (editor’s note)], they have abandoned their arms (...). That’s why Ikreima (aka Najim LAACHRAOUI) has insisted that you change your *kunya*, since Salah had sent you a letter, he know that you call yourself Abou-Ahmed, after, God only knows...” (PV 3090/18, MOD15; C22, SF1, 16b)

<sup>493</sup> Extract from the audio “audio message”:

- Abou Ikrimah: “Ouais, he’s going to contact you ... we told him your name was ‘Ikreima’, okay?”
- Souleymane: “He, he’s Abou Imrane ...”
- Abou Ikrimah: “He, he’s Abou Imrane ...”
- Souleymane: “Euh ... he, he’s hoping for a route to Libya or the East (Sham).”

PV 34338/18 (MOD 15, C26, SF1, 37) and PV 20028/18 (MOD15, C25, SF2, 15A)

and secondly, in a conversation with his mother about the choice of a first name for his son who's about to be born, Oussama ATAR expresses his desire to name his son Ahmed<sup>495</sup>.

Chronologically, Oussama ATAR first carries the *kunya* "Abou Khattab". It's this *kunya* that is mentioned with regard to his name on the list of fighters which was found in Iraq in November.

Subsequently, he's known in Syria by the name "Abou Yaser al-Iraqi"<sup>496</sup>. Its variant "Abou Yaser al-Baljeki" would also be used to refer to him.

This *kunya* has been cited in a speech of Abou Bakr AL-BAGHDADI dispersed on 29 April 2019<sup>497</sup>. On this occasion Abou Bakr AL-BAGHDADI appears like a leader of war, with a weapon on his right.

He congratulates his troupes consisting of different branches of the Islamic *state* in Libya, Mali, Burkina Faso or also Afghanistan and also those who fought till the end at the time when the califate lost territory in Baghouz in Syria.

Abou Bakr AL-BAGHDADI then cites his "brothers" who mustn't be forgotten for their enormous responsibility that fell upon them during the war led by the Islamic *state*: the soldiers, the brigades as well as those who contributed to the good organization, especially Abou Yaser Al-Balgiki and others who are numerous<sup>498</sup>.

The person of interest was, according to Abou Bakr AL-BAGHDADI, a military officer and would therefore be killed in combat. Yet, at present time, there is no single proof of this demise.

## 2. His leadership role

Addressing himself to Abou Ahmed in the file "Carved001884.wma"<sup>499</sup>, Najim LAACHRAOUI explains the plans worked out by the cell, and speaks the following sentence: "Next thing you know, it's you ... You remain the emir you see? It's you who decide"

The gathered knowledge of the inner functions of the terrorist group Islamic *state* allows us to identify Oussama ATAR as the emir of the Brussels cell.

There is in fact in Syria, an emir of "la COPEX" and "la Liwa As Saddiq", two entities that are closely linked<sup>500</sup>.

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<sup>495</sup> PV 26697/16 from the file FD35.98.170/07, C9, SF3, 48 (page 2)

<sup>496</sup> Note NS 21 May 2019 (MOD15, C29, SF1, 30)

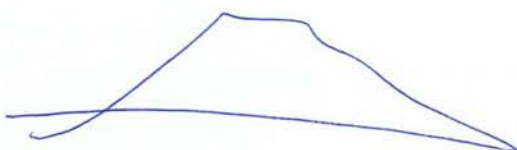
<sup>497</sup> But probably recorded in August 2018.

<sup>498</sup> PV 18045/19 (MOD15, C30, SF1, 4A)

<sup>499</sup> Recorded between 13 and 15 March 2016. PV 14530/16 (MOD15, C1, SF1, 34), PV 4009/17 (MOD15, C15, SF2 16 B), OV 3089/18 (MOD15, C22, SF1, 16a) and PV 3090/18 (MOD15, C22, SF1, 16b)

<sup>500</sup> Convinced of the role and importance of Oussama ATAR, The United States State Department has released, on 15 June 2017, a press release in which it includes "Oussama Ahmad Atar" on the list of "Specially Designated Global Terrorists".

Je jure avoir rempli ma mission en honneur et conscience, avec exactitude et probité.



## 2.

### a) Emir of Liwa As Saddiq

The *Liwa As Saddiq* was founded in mid-2014 by Abou Mohamed AL ADNANI<sup>501</sup>. As a mobile personal brigade of the Emir, it would have been charged with internal and external operations at the borders of the Caliphate. On the one hand, its role would have been to support the regular units. On the other hand, it would have been responsible for organising operations outside the territory of the *Islamic State* terrorist group before the creation of COPEX.

The *Liwa As Saddiq*, composed of elite soldiers and equipped with greater financial resources and more sophisticated equipment than the other factions of the *Islamic State*, is said to have gradually established itself as a reference unit within the military structure of the *Islamic State*, akin to its "*special forces*" or praetorian guard. As an elite force of the *Islamic State*, the *Liwa As Saddiq* would have participated in emblematic battles such as those of Palmyra.

Unlike most other units, *Liwa As Saddiq* would not have been affiliated with a particular geographical area but could be called upon to intervene rapidly in any combat zone or for '*special missions abroad*'<sup>502</sup>.

Abou Mohamed AL ADNANI would have been the supreme emir of the *Liwa As Saddiq*, but in 2015, the effective command of the brigade was entrusted to Oussama ATAR, already emir of COPEX, and to Abou Bara Al Iraki, whose identity remains unclear.

The recruitment of fighters for this *Liwa As Saddiq* brigade is carried out through a rigorous selection process. The recruited fighters would have undergone several phases of testing and evaluation before joining the brigade. They receive extensive training ranging from the use of weapons to the manufacture of explosives, as well as the mastery of techniques and tactics specific to specialised units (urban combat, hand-to-hand combat, sniper fire, handling of heavy weapons). As a mobile unit, its members would have been required to be highly available. They would not have been allowed to marry or settle in a city while they were members of this brigade.

The *Liwa As Saddiq* was said to operate in autarky, and its members were said to have a reputation for keeping to themselves, not mixing with the rest of the population, and even

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<sup>501</sup> Note SE 10 May 2021, MOD 20, C7, 4

<sup>502</sup> Note SE 10 May 2021, MOD 20, C7, 4

moving around in balaclavas. Apart from military skills, the members of the brigade are said to have received intensive ideological training to condition them to resort to violence and to incite them to fight to the death (a characteristic of Inghimasis fighters). They wore a "*beige and khaki military uniform, as well as a beige balaclava*", which set them apart from the other units<sup>503</sup>. According to the magazine Dabiq, Mohamed BELKAID was the commander of a group of Inghimasi fighters<sup>504</sup>.

Having a special status, the battalion would thus have been used to ensure certain sensitive missions such as the management of Western hostages (in which we find Najim LAACHRAOUI or Jihadi John) or the mediated staging of executions by the Islamic State (such as those in which we find Oussama KRAYEM, Chakib AKROUH or Bilal HADFI)

Thus, Liwa As Saddiq would have constituted a reserve of trained and experienced operatives (for example Najim LAACHRAOUI, Mohamed BELKAID, Oussama KRAYEM, Sofien AYARI and Ahmad ALKHALD) and would have ensured part of the recruitment, training and deployment of operative members (provision of false papers, etc.).

In order to smuggle its fighters into the target countries, *the Islamic State* is said to have mobilised its border contacts.

After their exfiltration from Syria and Iraq, the operatives remained in regular contact with Raqqa via a secure computer protocol. This would have allowed them to relay any difficulties they encountered to their superiors, who would have been responsible for advising them and passing on instructions. The operational staff would, however, have had real operational latitude as to the choice of targets and the most appropriate time to act.

Even if they deny it, Sofien AYARI and Oussama KRAYEM are mentioned as members of the Liwa As Saddiq, while strong suspicions weigh on Mohamed BELKAID, whom the Islamic State propaganda raises to the rank of commander of a group of *Inghimasi* fighters<sup>505</sup>.

#### b) Emir of "COPEX"

Oussama ATAR also appears in the organisation of the Islamic State terrorist group's external operations cell ("COPEX").

During 2015 Abou Mohamed AL ADNANI is said to have placed Abou Ahmad Al Iraki at the head of "COPEX". According to information obtained by the French authorities<sup>506</sup>, this office is attached to the Liwa As Saddiq, of which Oussama ATAR is also said to be one of the emirs.

Abou Ahmed is said to have been "*responsible for the planning of the attacks in Europe*"<sup>507</sup>.

Mohamed EMWAZI (alias "Jihadi John" or "Abou Mouharib Al Koweiti") is mentioned as one of the "senior" members of COPEX<sup>508</sup>. He is said to have been directly involved in the recruitment of operatives. He is said to have met Oussama KRAYEM and to have recruited him "*on the recommendation of Ahmad ALKHALD (who will make the journey to Europe with him)*". It is

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<sup>503</sup> Police report 018675/21, MOD21, C2, 31

<sup>504</sup> Police report 24775/16, MOD14, C3, F2, SF4, 3

<sup>505</sup> Police report 24775/16, MOD14, C3, F2, SF4, 3

<sup>506</sup> Spontaneous information from 25 June 2020 (MOD 17, SF7.1)

<sup>507</sup> Police report DGSI, 2015/967/60 of 24 September 2019 (see Police report 018675/21, MOD21, C2, 31)

<sup>508</sup> Police report DGSI, 2015/967/60 of 24 September 2019 (see Police report 018675/21, MOD21, C2, 31)

Mohamed EMWAZI who *"proposed to Oussama KRAYEM (fighter of the Liwa As Saddiq) to be part of the commando intended to perpetrate the attacks in Paris and Brussels"*<sup>509</sup>. It is also him who would have given his hand to Mohamed ABRINI during his oath of allegiance to the Islamic State.<sup>510</sup>

"COPEX" is said to have recruited its members mainly by recommendation of the Islamic State terrorist group's dignitaries. The operatives sent outside the territory of the Caliphate to carry out attacks would have been recruited either shortly after their arrival "in the *Sham*", or in the various regiments and brigades of the Islamic State such as the "Liwa As Saddiq", or the "*katibat Al Battar*" (where ABAAOUD came from). Having spent a short time in Syria, the first category of operatives would have been able to thwart more easily the surveillance of European security services (which would not necessarily have spotted their stay within the Caliphate). By recruiting the second category of operatives, the Islamic State terrorist group could count on experienced fighters who had already demonstrated their dedication to the group and their capacity for action.

The external operations cell is said to have carried out several missions, including that of establishing and updating a list of volunteers to carry out attacks. Najim LAACHRAOUI and Abou Mahmoud AS SHAMI (alias Ahmad ALKHALD) would have performed a supervisory function in the training of explosives. According to the DGSi, Oussama KRAYEM *"received this training in explosives"*<sup>511</sup>.

According to the DGSi, Liwa As Saddiq was a source of proposals for attack projects for the Emir of COPEX. This model of elaboration and validation of attack projects within the Islamic State seems to be verified with regard to the Brussels attacks.

### **3. Coordinator and decision maker of the Brussels attacks**

Several statements attached to the file highlight the role of coordinator and decision-maker played by Oussama ATAR, called Abou Ahmed or Ahmad.

#### **a) Oussama KRAYEM's statements**

According to Oussama KRAYEM, *"Abou Ahmed was in direct contact with Mohamed AL ADNANI, head of the European cell that organised the Paris and Brussels attacks"*<sup>512</sup>.

Explaining that he had received Ibrahim EL BAKRAOUI's confidences, Oussama KRAYEM revealed the following elements during his hearings: *"When I was with Ibrahim, he told me confidently that a member of his family was over there, in the Islamic state"*<sup>513</sup>.

He then confirms that Oussama ATAR was in prison in Iraq with Mohammed EL- ADNANI<sup>514</sup>.

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<sup>509</sup> Police report DGSi, 2015/967/60 of 24 September 2019 (see Police report 018675/21, MOD21, C2, 31

<sup>510</sup> Minutes of the BIM Commission regarding Mohamed ABRINI (MOD 15, C31, SF 3, p. 21A)

<sup>511</sup> Police report DGSi, 2015/967/60 of 24 September 2019 (see Police report 018675/21, MOD21, C2, 31) (D43756/12)

<sup>512</sup> Police report DGSi, 2015/967/60 of 24 September 2019 (see Police report 018675/21, MOD21, C2, 31) (D43756/16), Police report 17683/18 (MOD9, C5, SF1, 16) and Police report 21986/18 (MOD9, C5, SF1, 17)

<sup>513</sup> Police report 51490/16 (MOD 9, C5, SF1, 11)

<sup>514</sup> Police report 17683/18 (MOD9, C5, SF1,16)



Finally, he recognises the person of "Abou Ahmed" as ATAR Oussama<sup>515</sup>.

According to Oussama KRAYEM, Khalid EL BAKRAOUI went to Syria<sup>516</sup> and had contacts with EL ADNANI and ATAR, as well as with certain emirs. This is how the European terrorist cell was created, headed by ATAR<sup>517</sup>.

Oussama KRAYEM specifies that at the beginning, ABAAOUD did not know the brothers EL BAKRAOUI nor Najim LAACHRAOUI, and that it was through the contact with Oussama ATAR that this cell was formed. KRAYEM added: *"ABAAOUD was promoted immediately, I think he had a meeting with ATAR, ADNANI and EL BAGDADI over there in Syria. I think the head of the European cell is ATAR Oussama"*<sup>518</sup>.

Oussama KRAYEM adds that, when he went to fight in Syria, Najim LAACHRAOUI knew Oussama ATAR.

*"My idea is that it all started with an idea there in Syria, that they wanted to do something in Europe"*<sup>519</sup>. *They have been looking for people from Europe to carry out this action. The big emirs (Adnani and others) came to ATAR for his knowledge of Europe. Then ATAR created his team with LAACHRAOUI, ABAAOUD, the brothers EL BAKRAOUI. I think that's how it works, support persons in Belgium to whom they send experienced soldiers like ALKHALD or soldiers who were ready to die"*<sup>520</sup>.

Ibrahim EL BAKRAOUI would have explained to Oussama KRAYEM that he had tried several times to go to Syria. Oussama ATAR then went to the Turkish-Syrian border to check whether he had managed to cross the border. After learning of Ibrahim EL BAKRAOUI's arrest in Turkey, ATAR advised him to stay "over there" (presumably in Europe), adding that *"the fighting would come to him"*. This is how the terrorist cell would be born.

So Oussama ATAR is indeed behind the creation of the terrorist cell that struck European soil.

As for Khalid EL BAKRAOUI, he would have gone to Syria a few days before the Paris attacks. On this occasion, he came into contact with EL ADNANI and Oussama ATAR.

#### b) Statements by Adel HADDADI and Muhammad USMAN

Adel HADDADI and Muhammad USMAN<sup>521</sup> also left Syria with the flow of refugees. They followed the same route as two of the terrorists who blew themselves up at the Stade de France in Paris<sup>522</sup>. On 3 October 2015 they were on the island of Leros (Greece). On 10 December 2015, they were arrested in Salzburg (Austria) with false Syrian passports. They have both been indicted by the French judicial authorities for criminal association in relation to a terrorist

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<sup>515</sup> Police report 19007/18, MOD20, CI, SF1, 27.

<sup>516</sup> KRAYEM states, *"Khalid was in Syria for two or three days I think. He was in contact with ADNANI and ATAR Oussama"* (Police report 17683/18, MOD9, C5, SF1, 16)

<sup>517</sup> Police report 17683/18, MOD9, C5, SF1, 16

<sup>518</sup> Police report 17683/18, MOD9, C5, SF1, 16

<sup>519</sup> As a reminder, the coalition strikes began in September 2014

<sup>520</sup> Police report 21986/18, MOD 9, C5, SF1, 17

<sup>521</sup> Police report 38577/18 correcting Police report 34338/18, MOD15, C26, SF1, 37

<sup>522</sup> Namely Ahmad AL MOHAMMAD and Mohammad ALMAHMOD

undertaking.

These two men will, each of them, provide the first details about "Abou Ahmed", with whom they have been in Raqqa (Syria).

Muhammad USMAN explains that it was Abou Ahmed who *"asked him to come to France for a suicide mission and who then gave (him) money for his journey to Europe"*<sup>523</sup>.

Adel HADDADI from his side states that Oussama ATAR *"looks a lot like"*<sup>524</sup> Abou Ahmad. It was the latter who asked him to go on a mission to France, gave him a telephone and money and, finally, demanded him to *"report to him about his journey to Europe"*<sup>525</sup>.

The Austrian investigation will reveal that HADDADI was communicating with 'Abou Ahmad' via the telephone number '90536695725' through the TELEGRAM application. During these exchanges, HADDADI keeps "Abou Ahmad" informed about the progress of their journey. This same number (90536695725) was found on a piece of paper in the pocket of one of the suicide bombers at the Stade de France.

There is every reason to believe that if they had not been arrested in Austria on their way to France, HADDADI and USMAN could have participated in the Paris attacks, as did AL MOHAMMAD Ahmad and ALMAHMOD Mohammad, the two terrorists who attacked the Stade de France in Paris.<sup>526</sup>

The link between these four people is further strengthened by the discovery, in the personal computers found in the rue Max Roos and the rue Dries, of identical photos as those affixed on the false Syrian passports used by the said four people<sup>527</sup>. The chain of the false documents they used is thus the same.

c) The statement of Elshafee ELSHAYKH (alias "Abou Thabet"<sup>528</sup>)

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<sup>523</sup> Hearing of Muhammad USMAN by the investigating judge HERBAUT in France, attached as Police report 47467/16, MOD9, CI, SF2, 12

<sup>524</sup> Hearing of Adel HADDADI by the investigating judge HERBAUT in Paris, attached as Police report 47467/16, MOD9, CI, SF2, 12

<sup>525</sup> Hearing of Adel HADDADI by the investigating judge HERBAUT in Paris, attached as Police report 47467/16, MOD9, CI, SF2, 12

<sup>526</sup> Police report 23727/16 from 'B-PARIS', C81, SF1, 3

<sup>527</sup> Police report 34338/18 MOD15, C26, SF1, 37

<sup>528</sup> In the context of the French proceedings relating to the Paris attacks, we can read, with regard to the "audio" recorded by Najim LAACHRAOUI that *"among the individuals in Syria greeted by Najim LAACHRAOUI at the end of his message were "Abou Thabet" (El Shafee EL SHEIH) and "Abou Saleh" (Alexanda KOTEY), two of the British members of the Islamic State nicknamed the "Beatles", who were also very close to the external operations cell [COPEX].*



Another witness, questioned by the FBI on 27 March 2018<sup>529</sup>, recognizes Oussama ATAR in a photographic album is presented to him, as being the person who was his direct superior in Raqqah, since 2014. His name is Elshafee EL SHAYKH, a prisoner of the Syrian Democratic Forces in Syria who was handed over to the Americans. EL SHAYKH thinks that Abou Ahmed was a French citizen because he speaks that language. He specifies that he was killed by a drone in Al Walaa in 2017, but this could never be confirmed.

Elshafee EL SHAYKH also states that ATAR supervised "Abou Idriss" whom he recognises as being the person who blew himself up at Zaventem airport and "Abou Omar Al Belgiki", i.e. Abdel Hamid ABAAOUD, involved in the Paris attacks<sup>530</sup>.

d) Bilal CHATRA's statement

A last witness is also important to be mentioned. His name is Bilal CHATRA. This Algerian joined the ranks of the *Islamic State* and has been there also with Najim LAACHRAOUI and Abdel Hamid ABAAOUD<sup>531</sup>.

Suspected of having, in August 2015, joined the cell that was to carry out the Thalys attack with Ayoub EL KHAZZANI (alias "*Andalousi*", because he had lived in southern Spain), Bilal CHATRA was arrested by the German authorities and handed over to the French authorities. He is currently imprisoned in France.

Bilal CHATRA states that he stayed in Raqqah in a very secure and secret house where were staying the "*7 emirs*". Abou Ahmed was present, he was the highest ranking emir. Najim LAACHRAOUI was also present. They were responsible for the security of the *Islamic State abroad as well as for internal security*. They carried out inquiries about the persons who wanted to enter or leave the country.

Around 15 June 2015, Bilal CHATRA received the order from Abdel Hamid ABAAOUD to leave Syria. His mission was to get in touch with "*Andalousi*"<sup>532</sup> to open a path to Europe that could be used by ABAAOUD and EL KHAZZANI in complete safety. This link with "*Andalousi*" (Ayoub EL KHAZZANI's nickname) helps to understand the sentence pronounced by Najim LAACHRAOUI in an audio file found in the computer of the rue Max Roos: he specifies to their emir that they had thought of giving the money to the prisoners: "*Mehdi, Mohamed, Andalousi*".

It should be noted, however, that while Abou Ahmed's *kunya* corresponds to the role of Oussama ATAR, CHATRA pretended not to recognise him on the photo presented to him.

The evidence shows that Oussama ATAR assumed, from Syria, a leading role in the attacks, gathering persons of trust who had knowledge about Europe, and who were able to act upon his instructions and to coordinate the Paris attacks from Belgium.

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<sup>529</sup> Police report 38577/18, MOD15, C26, SF1, 41A

<sup>530</sup> Police report 38577/18, MOD15, C26, SF1, 41A

<sup>531</sup> Police report 32186/18, MOD15, C26, SF1, 20

<sup>532</sup> *Andalousi*: nickname given to EL KHAZZANI Ayoub, who is the perpetrator of the attempted attack in the Thalys in August 2015.

#### 4. The influence he had on those around him

The influence of Oussama ATAR on his cousins, the EL BAKRAOUI brothers, has been highlighted by several testimonies.

Ali EL HADDAD ASUFI states that

*"(Ibrahim's) cousin was known to have stayed there for eight years. He was in Iraq, in the prison of Fallujah I think. After his return from Iraq, Ibrahim adopted these ideas. For me, it was Oussama who influenced him. I'm not 100% sure. (...) It was at his return that he was way deep in his radical ideas ".<sup>533</sup>*

In November 2014, Nawal ADHAR spent a week's holiday with her husband Khalid EL BAKRAOUI in Adana (Turkey), a city located about 100 kilometers from Syria. Khalid EL BAKRAOUI abandons her for a day at the hotel, telling her that he had things to do. She says:

*....."When he returned, Khalid apologized. He told me that these things were important to him, that he needed to recharge his batteries. The only thing I could think of was that Khalid had met his cousin ATAR Oussama to give him something, or news of his mother, or just to see him.... "<sup>534</sup> .*

Youssef SIRAJ, a friend of the EL BAKRAOUI brothers, also a member of the Brussels circles of organized crime , declares about Khalid EL BAKRAOUI and Oussama ATAR:

*"(...) When he was in prison, (Khalid) already held some hate speeches. (...) He was holding radical speeches. (...). When he has been liberated, I was in prison but I think he was seeing Oussama ATAR. I know that he was in touch with him and that he listened to him a lot, Khalid told me about ATAR, he told me that he was in Iraq and that he had served a sentence there. To your question, I think Khalid met him in Brussels. I got that from Khalid. Khalid also read books, he studied religion "<sup>535</sup> .*

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<sup>533</sup> Police report 24901/16, MOD9, C6, SF2, 2

<sup>534</sup> Police report 050437/16, from "B-PARIS", C143, SF1, 21

<sup>535</sup> Police report 32186/18, MOD15, C26, SF1, 20

Oussama ATAR is described as having played a key role in the radicalization of his EL BAKRAOUI cousins. Being older than them, and having a past as an Islamic fighter prisoner in Iraq gave him a certain aura and experience. The contacts maintained in Iraqi prisons with EL ADNANI and EL BAGHDADI in particular opened new doors for him towards Syria. During the years 2012-2013, before his second sudden departure to Syria, Oussama ATAR paid 13 visits to his cousin Khalid EL BAKRAOUI and 21 visits to Ibrahim EL BAKRAOUI while they were both detained for acts of violence in which they had not hesitated to use weapons.

According to several witnesses, the brothers change through contact with their cousin, and they both become more religious. Ali EL HADDAD ASUFI confirms this and specifies that he met Oussama ATAR at Ibrahim EL BAKRAOUI's house<sup>536</sup>.

It is probably this closeness to their impressive cousin that made them want to find him in Syria.

#### **5. The role of Oussama ATAR as it appears from the audio recordings**

The hierarchical position of Oussama ATAR within the cell is clear from the audio recordings found in the computer abandoned in the dustbin of the flat in rue Max Roos.

The contacts and proximity that exist between himself and the terrorist cell are clear from the analysis of the "Carved001884" file: Najim LAACHRAOUI and Ibrahim EL BAKRAOUI are the persons who speak the most to Abou Ahmed.

Answering questions and reporting about the situation and the preparation of the attacks to the person he calls "emir", Najim LAACHRAOUI also gives an overview of the morale of the group and of the material they have at their disposal.

He reveals to ATAR which are the group's intended targets, he asks information about the possibility of calling on other "brothers in France" and informs the Emir about the arrival of new recruits.

The leadership role of Abou Ahmed is also highlighted by the "*audio message*" recorded for him on the eve of the attacks. This message explains why the group decided to go into action on Tuesday 22 March, to target the airport and the metros with 5 "dougma". He is informed that the wills will be sent to him and that a "*brother*", Imrane, will contact him: he has received the codes to do so and the weapons that won't be used are left to him.

#### **6. The means used to protect the hierarchical structure of the group**

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<sup>536</sup> Then detained under electronic bracelet

It is surprising that, unlike the "*martyred brothers*" mentioned in the claims of the Brussels and Paris attacks, the Islamic State terrorist group did not mention Oussama ATAR.

In fact, this is a constant element in the communication of the Islamic State: to protect the living, only the dead are mentioned.

This also explains why other defendants are not mentioned in the Dabiq magazine either.

Information about the group, let alone the name of the leader, is revealed only as necessary. Terrorist groups can only operate underground to avoid detection.

The messages sent to Oussama ATAR are only sent by a few trusted interlocutors Najim LAACHRAOUI and Ibrahim EL BAKRAOUI. To do this, they use specific and coded communication techniques that are not revealed to everyone: use of encryption software, special email addresses, security measures when writing messages (use of capital letters and numbers<sup>537</sup>), or communication of "*disposable*" email addresses, the use of which is limited to creating an account on a sharing site to communicate then via this account.

As was the case for the use of telephone communications, the use of the Internet is designed to avoid any interception by the police<sup>538</sup>.

#### **E - CHARACTER TESTIMONY**

Malika BENHATTAL<sup>539</sup> is Oussama ATAR's mother. She describes her son as kind and respectful, never having had any problems, living in good harmony with his family and friends.

He would have travelled to Syria for the first time despite his parents' disagreement, but kept in touch with them. According to her, he came back sick, suffering from stomach ulcers. He stayed a year and a half in Belgium before leaving again, probably for Syria, but he never said so. Malika BENHATTAL does not know his friends. She thinks that he used to attend the EL MOUAHIDIN mosque, located in their neighbourhood, in the rue du Tivoli.

Ahmed ATAR, his father, could not be heard, being in Morocco with no determined return date<sup>540</sup>.

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<sup>537</sup> As revealed in the "*audio message*" which indicates that these security measures are explained to Imrane

<sup>538</sup> On 7 October 2016, Oussama ATAR uses an IP address assigned to "TOR NETWORK" to contact his sister Asma ATAR on the Facebook application: ATAR "*uses a contiguous internet browser to cover his tracks and thus make his geolocation impossible*" (Police report 045692/16, from file FD35.98.170/07, C8, SF2, 28)

<sup>539</sup> Police report 14244/19 (MOD9, C8, SF7, 2)

<sup>540</sup> Police report 25242/19 from "B-PARIS", C156, SF10, 4

Nawal ATAR<sup>541</sup> is the eldest of seven children, amongst whom Oussama was the third.

Nawal ATAR left home when Oussama was 12. She knows little about her brother. He had a normal childhood, getting on well with everyone. He went to Syria to study Arabic when he was 17, despite his father's disagreement.

When he returned after having been in prison in Iraq during 10 years, he was very ill, quiet and spoke little. He tried to find a job, but without success. He never spoke about his imprisonment.

He went back to Syria, got married and had a child. Nawal does not know the name of his wife and child.

Iman ATAR<sup>542</sup>, says she was close to her little brother when they were young. He is a very respectful person, calm, without problems and appreciated by everyone. He attended the Serge Creuz school. He left school in 5<sup>th</sup> grade and does not have a high school diploma.

He was close to his mother, loved football and went to see the Atlas team with his father. He also attended Arabic classes at the mosque in rue du Tivoli, and some English classes. He was practicing his religion normally and didn't talk about politics.

According to Iman, he was 17-18 years old when he left to learn classical Arabic at a university in Syria. He came back sick and had to be treated. He spoke very little. His family considered him dead.

Hafsa ATAR is the younger sister of ATAR Oussama<sup>543</sup>. Like her twin sister Safa<sup>544</sup>, Hafsa has known Oussama for a short time only. She believes he left for Turkey when they were seven years old. According to their parents, he went to study abroad. When he came back to Belgium for a year, he was concentrating on his studies. He was ill, took care of himself and did not work. After he left again, he married a woman called Farah and had a son whose name she does not know. Hafsa has had little time to get to know her brother, but describes him as kind and helpful, a Muslim like all Muslims. She does not consider him as a criminal.

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<sup>541</sup> Police report 14244/19 (MOD9, C8, SF7, 2)

<sup>542</sup> Police report 25414/19 from 'B-PARIS', C156, SF10, 5

<sup>543</sup> Police report 24689/19 from 'B-PARIS', C156, SF10, 1

<sup>544</sup> Heard in the context of the "B-PARIS" case, Police report 24946/19 (C156, SF10, 2): she says she knows nothing and her testimony seems useless

## **CHAPTER II: MOHAMED ABRINI**

**alias "Abou Yahya", alias "Yahya", alias "Abou Hamza", alias "Brioche".**

### **A-PROCEDURE**

Mohamed ABRINI was deprived of his liberty on 8 April 2016 at 16:01.

He was indicted by the investigating judge for participation in the activities of a terrorist group, murders in a terrorist context and attempted murders in a terrorist context and he was placed under arrest warrant on 9 April 2016.

After a summary statement about the explosions and the discovery of the conspiratorial flat in the rue Max Roos was killed, the investigating judge justified the arrest warrant in the following terms:

*"In this flat, numerous samples were taken and analysed. Various genetic profiles were extracted from these samples. Some of these profiles have been identified, in particular the two aforementioned suicide bombers, but also the aforementioned ABRINI Mohamed, who is also wanted in connection with the Paris attacks of 13/11/2015.(...)"*

*In order to explain the presence of his genetic profile on various objects seized in the flat in Avenue Max Roos in Schaerbeek, the accused admits that he was there until 20-21 March 2016 and that he witnessed the manufacturing of the explosives by the other occupants, namely EL BAKROUI Ibrahim and LAACHRAOUI Najim, according to his statements. These preparations would have taken place two or three days before the attacks. The accused ABRINI Mohamed also declared that he had been informed of the planned attacks. He specified that it was initially intended to target France, and more particularly the Euro football tournament. However, these plans were recently modified, in haste, to target Belgium, and more particularly the airport and the metro of Brussels.*

*The accused ABRINI Mohamed initially denied being the third perpetrator present on the airport surveillance camera images. Before the investigating judge, he finally admitted to being the third author but explained that he had never intended to blow himself up."*

His pre-trial detention has been systematically extended. The accused has never appealed against these decisions.

In its judgement of 17 September 2021, the Brussels Court of Appeal, Indictments Division, having found that there were sufficient and serious charges against Mohamed ABRINI, referred this accused to the Court of Assizes of the Brussels-Capital administrative district on the same charges.

His referral to the court of assizes concerns both the acts committed in Zaventem and Maelbeek. With regard to 22 March 2016, the terrorists' objective was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek, so that the different targets must be

analysed as a single attack scene.

Consequently, Mohamed ABRINI is, like each of the accused, a co-author of all the attacks committed on that date, without distinction of the target assigned to each of them.

## **B-BIOGRAPHY**

ABRINI Mohamed was born on 27 December 1984. He is the second child in a family of six<sup>545</sup>.

His father came to Belgium to find a job. He worked for 30 years in the building sector. His mother married in Belgium and is a housewife.

The family settled in Molenbeek-Saint-Jean. They are neighbours of the ABDESLAM family and the children know each other well. Mohamed ABRINI maintains a friendly relationship with Abdel Hamid ABAAOUD, Abid ABERKANE (cousin of Salah ABDESLAM), Youssef BAZAROUJ<sup>546</sup>, Ahmed DAHMANI and Abdellah CHOUAA.

He had a difficult school career. While he has good memories of his six years at the Espoir primary school in Jette, the opposite is true for his secondary school. He went to several schools<sup>547</sup> and failed twice for the third grade. He had left the *"well-protected small world"* of primary school.

Mohamed ABRINI said he was *"more of a clown than a brilliant student"*, he was good at welding and French, *"I was less interested in the rest"*. He wanted to be a football player. He stopped his studies at the age of 18 and did small jobs.

Mohamed ABRINI, without a diploma but attracted by money and casinos<sup>548</sup>, enters adulthood through delinquency. He recognizes the following: *"I used to rob safes all over Belgium, and even outside"*<sup>549</sup>.

Since 2002, he has been the subject of several judicial convictions, notably for theft, sometimes with violence, and from 2003 onwards he has been in prison several times. Between 2010 and 2012, Mohamed ABRINI and Ibrahim EL BAKRAOUI are incarcerated together in the prison of Iltre where they probably met each other (*"I said (to Ibrahim EL BAKRAOUI) that his face was familiar to me somehow"*<sup>550</sup>).

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<sup>545</sup> His elder brother Zakaria ABRINI was born on 31 August 1983. His sister Hinde ABRINI, born on 31 October 1988, married Monsef ET-TAKNY. His sister Ikram ABRINI, born on 11 March 1992, is divorced from Abdellah KHALEEH. His brother Soulaïmane ABRINI, born on 9 November 1993, died in Syria. And finally, her brother Ibrahim ABRINI, born on 17 December 1995, is a student living in the parental home.

<sup>546</sup> ABRINI maintains telephone contact with his friends BAZAROUJ and ABAAOUD when they are away in Syria.

<sup>547</sup> Police report 14061/19 (MOD16, C3, SF1, 10) Serge Creuz school in the centre of Molenbeek; then Don Bosco Val d'Or in Woluwé (welding) and then Marcel Tricot (welding).

<sup>548</sup> According to Police report 52735/15 from "B-PARIS" (C131, SF1, 88), access to casinos is prohibited to him since 2 May 2012.

<sup>549</sup> Police report 14061/19 (MOD16, C3, SF1, 10)

<sup>550</sup> Police report interrogation by investigating judge PANOU of 26 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7.



After each conviction, he starts again: *"It's the frustration of prison, the guards make you nervous... and then you lose money in prison... it is necessary to make money "* as he tells the psychiatrists. Several of his friends are also delinquents.

In 2006, he met Nawal EL KHALLOUKI with whom he had a romantic relationship for 10 years.

At the end of 2012, he invested in a snack bar "Délinice" with his friend Rachid MIYOUF<sup>551</sup>. At the beginning, the snack is profitable<sup>552</sup>. His brother Soulaïmane often helps him at the snack<sup>553</sup>.

But after a year or a year and a half, the situation changes: Mohamed ABRINI loses interest in his business and contacts with his associate deteriorate.

When he talks about his neighbourhood, he says that at the time it was being emptied of those who were leaving for Syria, and that *"everyone"* was watching videos from Syria at ABDESLAM's house.

The year 2014 seems to mark the beginning of Mohamed ABRINI's interest in religion. He says: *"Things are happening in the world and there were messages, videos of the Islamic State, the Koran, jihad. Jihad is part of the religion like prayer, fasting"*<sup>554</sup>.

While he is detained, his younger brother Soulaïmane goes to Syria<sup>555</sup>. According to one of his sisters, he had previously been a frequent visitor of the mosque in de rue Ransfort, which is known for its radical views.

On 4 August 2014, Soulaïmane, the brother to whom he was closest<sup>556</sup>, was killed in Deir Ez Zor (Syria). Mohamed ABRINI confirms that at that moment he read the Koran and that when he was released from prison, he wanted to *"go and see his brother's grave"*<sup>557</sup>.

The tone of his messages to Nawal EL KHALLOUKI, is increasingly radical. On 12 September 2014, he wrote to her *"I have learned and read and I obey"* and he demands her to wear the veil: *"From now on, you will not leave your house without being veiled, otherwise I will put an end between your existence and mine"*, calling her a *"disbeliever"*<sup>558</sup>.

On 14 November 2014, Nawal EL KHALLOUKI wrote to her friend Hakima RAHMANI saying that she is afraid since three days that Mohamed would leave with his brother Ibrahim *"over there where his brother was"*<sup>559</sup>.

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<sup>551</sup> With money from his burglaries, as he told the investigating judge HERBAUT in France (file 41.1 SF1, 9), interrogation of 28 June 2019 (D41751) - p. 7/28.

<sup>552</sup> Police report interrogation investigating judge, MOD9, C4, SF1, 16

<sup>553</sup> Police report 14061/19 (MOD16, C3, SF1,10)

<sup>554</sup> Police report interrogation investigation judge PANOU, 25 August 2016, attached to Police report 38424/16 (MOD 9, C4, SF1, 7)

<sup>555</sup> 7 January 2014

<sup>556</sup> Police report 14061/19 (MOD16, C3, SF1, 10)

<sup>557</sup> Police report 17525/18 attached to Police report 22956/18, MOD15, C26, SF1, 13

<sup>558</sup> Police report 22956/18, MOD15, C26, SF1,13

<sup>559</sup> Police report 013851/19, MOD 9, C4, SF1, 17

The same day, Mohamed ABRINI wrote by SMS to his fiancée: *"I will fight to defend the cause of the Almighty, I have sisters who are raped, young brothers and sisters who are massacred, I am running away to the Almighty and the price to pay is to lose ones life and obtain his forgiveness (...) glory to Allah and yes, I want to go as far as in paradise"*.

*"But the first goal is the hijra and then to defend the Muslim blood and then to repel the enemy, to fight the polytheists, to besiege them, to fight them and that the religion everywhere on earth belongs to Allah"*<sup>560</sup>.

A new incarceration between 22 December 2014 and 2 April 2015 prevents him from doing so. But at that time, he wrote a letter to his cousin Jalid AHKIM in which he mentioned the sender's details *"Abou Hamza, rue du Sham, 1618 Islamic State"*<sup>561</sup>.

This letter has a very doctrinaire content. In the letter he draws a mountain with the flag of the Islamic State group and signs it with the name "Abou Hamza"<sup>562</sup>.

When Mohamed ABRINI was released from prison in April 2015, his friend MIYOUF found him changed: *"He didn't go out anymore, he prayed at the snack bar, at his home or at the mosque, he wanted to get married. He talked like everyone else about the Syrian conflict and seemed to want to go there to be sure of the death of his brother, whose departure he was shocked by"*<sup>563</sup>.

At the end of May 2015, he organized his journey with Youssef BAZAROUJ<sup>564</sup> and his friend Abdel Hamid ABAAOUD. He left on 23 June 2015 for Syria via Istanbul, he was dropped off at Zaventem by Abdellah CHOUAA and Ahmed DAHMANI<sup>565</sup>.

He claims that he did not inform his family or his fiancée Nawal KHALLOUKI of his departure<sup>566</sup>. But the analysis of the SMS exchanged between his sister Ikram and her friend Nawal EL KHALLOUKI reveal the contrary and the family hides the information from the authorities.

On 29 June 2015, Mohamed ABRINI called his sister Hinde ABRINI from a Turkish phone number "905360639825".

During that same period of time, this number was also used to contact the mother of Reda Hame, a young Parisian who left for Syria in mid-May 2015 and is due to return to Europe. The "Islamic State" was concerned about whether he already returned home and called his mother. It was indeed agreed that Reda HAME, once he arrived in France, would contact ABAAOUD to inform him of his progress. After having been arrested in France, HAME stated that in Syria he had received accelerated military training from ABAAOUD before being sent back to Europe on 15 June 2015 with the aim of committing an attack: *"He asked me if I would be interested in going abroad. He said to me, for example, imagine a rock concert in a European country, if you*

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<sup>560</sup> Police report 22956/18, MOD 15, C26, SF1, 13

<sup>561</sup> Police report interrogation by investigating judge PANOU of 25 August 2016, attached to the Police report 38424/16, MOD9, C4, SF1, 7.

<sup>562</sup> Police report interrogation by the investigating judge PANOLI p 4/19 attached to the Police report 34824/16 (MOD 9, C4, SF1, 7)

<sup>563</sup> Police report 2562/19, MOD9, C8, SF3, 4

<sup>564</sup> BAZAROUJ Youssef was, before his death in Syria, a member of COPEX

<sup>565</sup> Police report interrogation by the investigating judge PANOU p 9/19 attached to the Police report 34824/16 (MOD 9, C4, SF1, 7)

<sup>566</sup> Police report 034679/15, from "B-PARIS", C2, SF1.1, 9

*were given weapons, would you be prepared to shoot in the crowd (...). He told me that whoever fights alone against the enemy and does not turn around, has the reward of two martyrs (...). He told me that it was to return either to France, Belgium or England*<sup>567</sup>.

During his interrogation on 13 August 2015, Reda Hame told the investigators that according to Abou Ornar (i.e. ABAAOUD): *"if many civilians were hit, the policy of France would change"* and when asked whether he was aware of possible attacks in France or Europe, he said that without knowing the targets: *"this will happen very soon. It is a real factory over there, and they are really looking for an attack in France or in Europe. I would be surprised that there will soon be some action, given the motivation of the people I met. (...) All I know is that people are getting ready for it"*<sup>568</sup>.

Mohamed ABRINI waited in Turkey until 29 June 2015 and then went to Syria where he stayed from 1<sup>er</sup> July to 9 July 2015. He returned via London, Manchester and Birmingham and landed in Paris on 16 July 2015 where Abdellah CHOUAA<sup>569</sup> picked him up.

In the meantime, when he was arrested 10 days later by the police in Molenbeek-Saint-Jean, he denied any trip to Syria or any radicalism. But new text messages he had with his fiancée in August proved the opposite: he called her a misbeliever, forbade her to leave the house, forced her to wear a veil and to read the Koran.

At the beginning of October 2015, Mohamed ABRINI has not been seen anymore in Molenbeek-Saint-Jean since a week. His family thinks that he went back to Syria, but according to Nawal EL KHALLOUKI, he was sleeping at his friend LAOUHARI's place near the Schaerbeek train station.

His fiancée tells us that before the Paris attacks Mohamed ABRINI had told her that he had to *"carry out an action"* in Germany<sup>570</sup>.

On November 13, 2015, the day of the Paris attacks, he spends part of the afternoon with his fiancée Nawal. He keeps her away from his activities with his friends.

The couple signs a lease for a flat in Jette. The date of the wedding is set, and they will settle down together.

The next day, Mohamed ABRINI entered into clandestinity.

He was wanted for accompanying Salah ABDESLAM to Paris and his photograph was published in the press. An arrest warrant is issued against him on 23 November 2015. He will remain untraceable.

On 22 March 2016, the Brussels attacks were committed.

He was finally arrested on 8 April 2016 and has been in prison since then, charged in the Paris and Brussels attacks.

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<sup>567</sup> Hearing of Reda HAME, Police report 33825/17 from "B-PARIS" (C147, SF1, 54)

<sup>568</sup> Police report 33825/17 from 'B-PARIS', C147, SF1, 54

<sup>569</sup> Abdellah CHOUAA is being prosecuted in connection with the Paris attacks

<sup>570</sup> Police report 22956/18, MOD15, C26, SF1, 13

His wedding, scheduled for February 2016, did not take place.

Mohamed ABRINI describes himself as a normal, kind, caring and strict person, only when it is necessary. He hates injustice.

In terms of religion, he states that there were some periods of time during which he was more religious than others. He read books that convinced him that the Koran was reality. "*For me the Islamic religion is the truth*"<sup>571</sup>.

In prison, Mohamed ABRINI appears to be "*litigious, demanding, nervous and withdrawn*". The prison administration counted 12 disciplinary reports<sup>572</sup>.

### **C - FOR THE RECORD: HIS INVOLVEMENT IN THE PARIS ATTACKS**

The acts committed in the context of the Paris attacks are mentioned in this file for information purposes only. These acts took place before the infringement period of the offences in the present file. It seemed important to us to mention, for each of the accused, the elements that allow us to understand their state of mind and their previous life course at the time at the beginning of the infringement period of the present file. The accused is only being prosecuted in Belgium for the offences committed in the context of this case.

On 24 June 2015, Mohamed ABRINI met Bilal CHATRA<sup>573</sup> in Istanbul.

Mohamed ABRINI reached the city of Adana and crossed the Syrian border on 29 June 2015. His journey was organized from Syria by his friend Youssef BAZAROUJ, who directed him to a smuggler<sup>574</sup>. According to the usual procedure in the territories occupied by *the Islamic State*, he had to hand over his passport and his phone was confiscated.

He spends 3 days in Raqqah where he meets ABAAOUD and, for the first time he says, Najim LAACHRAOUI. After visiting the grave of his brother in Deir Ez-Zor, he says, he returns to Raqqah where he is hosted by Najim LAACHRAOUI<sup>575</sup>. ABAAOUD would have tried to convince him to become a fighter but Mohamed ABRINI replied that he preferred to return.

This watered-down narrative must, however, be supplemented by information provided in a report of 15 June 2016<sup>576</sup> from the *BIM* commission<sup>577</sup>. From this report we learn that while being held in the Bruges high security prison together with Mehdi NEMMOUCHE, Mohamed ABRINI declared on 7 May 2016 that he had pledged allegiance to Jihadi John<sup>578</sup>, '*hand in hand*',

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<sup>571</sup> Police report 14061/19, MOD 16, C3, SF1,10

<sup>572</sup> Police report 010684/21, MOD21, CI, 15

<sup>573</sup> Who followed '*Andalousi*' (alias of Ayoub EL KHAZZANI, the author of the attempted attack on the Thalys) to Belgium with ABAAOUD. He managed to escape but was arrested in Germany (Police report 32186/18, MOD15, C26, SF1, 20).

<sup>574</sup> English CRI attached to the Police report 42133/16, MOD9, C4, SF1, 8 and Police report interrogation by the investigating judge PANOU p 9/19 attached to the Police report 34824/16 (MOD 9, C4, SF1, 7).

<sup>575</sup> Decision of the investigation chamber of the court of appeal of Paris, 13 July 2020 (page 273), MOD19, C2, 21

<sup>576</sup> Police report signed by Jean-Claude CLAEYS regarding Mohamed ABRINI, MOD 15, C31, SF 3, 21A

<sup>577</sup> Administrative Commission that authorises the Intelligence Services to implement certain intelligence gathering methods, hereinafter referred to as "*BIM Commission*".

<sup>578</sup> Nickname of Mohamed EMWAZI ("Abou Mouharib AL KOWEITI"), very involved in exactions and mediated assassinations of hostages. He then became a member of COPEX and was directly involved in the recruitment of operatives (Police report DGSi, 2015/967/60 of 24 September 2019, see Police report 018675/21, MOD21, C2, 31)

and that he captured a spy together with ABAAOUD, spy who, after trial, was executed.

After this brief stay in Syria, Mohamed ABRINI took a flight from Istanbul to London, going to Birmingham on 9 July 2015. According to his statements, he was to collect money for Abdel Hamid ABAAOUD and bring it back to his younger brother Yassine ABAAOUD.

From 13 to 15 July 2015, he was in Manchester taking photographs of the football stadium before returning to Birmingham.

After his journey to Manchester, he returns to Belgium taking the flight Birmingham - Paris where Abdellah CHOUAA and Ahmed DAHMANI go to pick him up.

Mohamed ABRINI is involved in the rental of the cars constituting what he himself calls "*the convoy of death*" as well as in the transfer to Paris of Abdel Hamid ABAAOUD, Chakib AKROUH and the two Iraqis who will blow themselves up at the Stade de France. He travels to Paris in the same car as Brahim and Salah ABDESLAM.

After the attacks, he left Paris during the night of 12 to 13 November 2015 shortly after midnight and arrived at his home at 5.19 a.m. Back in Brussels, he signed the lease of a flat with Nawal EL KHALLOUKI, which he rented just before he disappeared on 14 November 2015. After that his photograph is published in the press.

He then went to the conspiracy flat in the rue Henri Bergé, which had already been used to prepare the Paris attacks. He found Najim LAACHRAOUI, Salah ABDESLAM, Sofien AYARI, Oussama KRAYEM and Mohamed BELKAID. Mohamed ABRINI said: "*I knew about the rue Henri Bergé before the attacks but I don't know how long before. It might be a matter of weeks perhaps. Salah told me it was a safehouse. A safehouse I don't know, it was a flat, a safe house. I understood that Salah had an attack objective but he didn't explain what this objective was*"<sup>579</sup>.

To the investigating judge in charge of the investigation regarding the Paris attacks, he said on 1<sup>er</sup> June 2016 "*we are given a choice; to leave with false papers or to stay until the end*". He chose to stay until the end. It is during that period of time that he threw away his phone<sup>580</sup>, in order not to be spotted .

#### **D - HIS INVOLVEMENT IN THE BRUSSELS ATTACKS**

Mohamed ABRINI's involvement in the Brussels attacks can be summarised as follows:

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<sup>579</sup> ABRINI hearing by the investigating judge PANOU on 9 April 2016 (MOD14, C3, F5, SF2,1).

<sup>580</sup> Police report 15784/16 (MOD15, C2, SF2, 20)

## **1. His presence in the various safehouses**

When he decided to stay with the other members of the group after the Paris attacks, Mohamed ABRINI hid in all the flats used, without being deported once:

Rué Henri Bergé, where the explosives used in the Paris attacks were manufactured<sup>581</sup>.

Mohamed ABRINI admits that he was aware of the safehouse in Rue Henri Bergé in Schaerbeek before 13 November 2015, but he only went there the day after the Paris attacks<sup>582</sup>.

Rue de l'Exposition: they are first five in the studio, then ABDESLAM Salah and Oussama KRAYEM arrive for New Year's Eve. They will stay there "until 10 January 2016"<sup>583</sup>:

*« (Around 18 November 2015), when we left Henri Bergé, we went to the Avenue de l'Exposition in Jette and I know we stayed there for a month<sup>584</sup>.*

*« I spent New Year with Salah in (avenue) de l'Exposition. We were also with Krayem. We were in Jette a few days before the month of January<sup>585</sup>.*

*« It was a student room, there was a bed, an armchair, not much really (...). One person was sleeping on the sofa, another one on the bed, another one near the balcony, another one near the kitchen. We were really tight. I wanted to get out of there quickly. We couldn't get out. Until EL BAKRAOUI found a new flat; at that moment LAACHRAOUI, BELKAID and AYARI went first, to rue Dries. Only me, Salah and Krayem were left. We watched TV, one of EL BAKRAOUI's brothers had brought a Playstation, we went out on the balcony. For the groceries it was KRAYEM and AYARI who went out. Khalid took care of the money for the groceries. They did the groceries and we would take turns cooking. We prepared the food alternately (...).*

*On New Year's Eve we were in Jette, I remember, there were fireworks, we were on the tenth floor and we watched the people having fun. When we were three, we went out on the balcony. I went out to smoke cigarettes. At that moment, KRAYEM went out for the groceries. I went out once for some groceries, my heart was beating very fast, I was wearing my cap and a scarf so that no one would recognize me. I went to the night shop. I went out at night. Salah never went out<sup>586</sup>.*

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<sup>581</sup>He stated in his first interrogation by the investigating judge that he had again seen a sewing machine (to make the explosive belts), bags of bolts, syringes, the patterns for the belts and plastic bins for manufacturing the TATP (Police report 38424/16, interrogation by the investigating judge PANOU, 9 April 2016, MOD 9, C4, SF1, 7)

<sup>582</sup>Hearing of 9 April 2016, attached by Police report 42133/16, MOD 9, C4, SF1, 8.

<sup>583</sup>Police report interrogation by the investigating judge, MOD9, C4, SF1,16

<sup>584</sup>Police report interrogation by the investigating judge, 22 November 2018 (MOD9, C4, SF1,16)

<sup>585</sup>Police report 21311/16 (MOD9, C4, SF1, 6)

<sup>586</sup>Police report interrogation by the investigating judge, 22 November 2018 (MOD9, C4, SF1,16).

Rue du Dries: his presence is proven by the presence of his fingerprints and DNA on some of the objects analyzed (see above).

He said: *"In the Rue du Dries, it was AYARI who went out shopping. I think BELKAID went out once. They went to the wash-house. The EL BAKRAOUI brothers came from time to time for short periods. They were the ones who had money and gave it to BELKAID"*<sup>587</sup>.

Rue Max Roos: in addition to his DNA and fingerprints found in this place (see above), he can be seen posing with the weapons that were present there<sup>588</sup> (see below).

About this address, Mohamed ABRINI explains: "Max Roos was rented because we should never stay all together in one flat. The idea was to limit the risks if one of them fell down. They always wanted to have as many flats as possible, and I think that in their minds, if it was possible to have one flat per person, they would have preferred. They wanted to have two groups"<sup>589</sup>.

He adds: *"It was the first flat that was correct. The only ones who had phones were LAACHRAOUI, BELKAHID and EL BAKRAOUI Ibrahim. I didn't have a phone. I still had my bag of belongings and the Playstation and the TV of the Chinese shop were brought to the apartment in rue Max Roos, it was in the taxi with the P.C. and the tablets. In rue Dries they kept their PC's. When I arrived in rue Max Roos, I knew that we would stay there for a long time. Before we arrived, EL BAKRAOUI Brahim had arranged everything, he had put mattresses, he had set up the kitchen. Shampoo, toothbrush, everything was new"*<sup>590</sup>.

Rue du Tivoli: Mohamed ABRINI was also sheltered with Oussama KRAYEM in Hervé BAYINGANA MUHIRWA's flat before and after the attacks: his DNA and fingerprints attest to this (see above) as well as the observation photos taken by the police on 7 April 2016.

Finally, he was seen, one evening after the Brussels attacks, entering and leaving the studio in the Avenue des Casernes, in which were housed the brothers EL BAKRAOUI and Oussama KRAYEM: the video surveillance confirms this<sup>591</sup>.

He explained this at the hearing: *"When I was on the Tivoli street with Oussama Krayem, he told me that he was sleeping in the rue des Casernes and that he still had the badge of the building, Hervé was sleeping in a studio and as it was not possible to live there together with three, I left"*<sup>592</sup>.

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<sup>587</sup> Police report of interrogation by the investigating judge 22 November 2018 (MOD9, C4, SF1,16)

<sup>588</sup> Police report 42297/16 (MOD 15, C13, SF2, 1)

<sup>589</sup> Police report interrogation by the investigating judge, 22 November 2018 (MOD9, C4, SF1,16)

<sup>590</sup> Police report interrogation by the investigating judge, 22 November 2018 (MOD9, C4, SF1,16)

<sup>591</sup> Police report 006379/19, MOD15, C28, SF1, 1

<sup>592</sup> Police report 38424/16, interrogation by the investigating judge of 29 August 2016 p 3/20 (MOD 9, C4, SF1, 7)



## 2. His writings

In the computer carried from safehouse to safehouse and finally found in the rue Max Roos, it is revealed that, as early as January 2016, Mohamed ABRINI wrote a will under his nickname "Abou Yahya"<sup>593</sup>.

A first written document, dated 13 January 2016, has been found<sup>594</sup>. In this document he wrote that he approved the attacks of 13 November, that he was proud to have pledged allegiance to the Emir of the Faithful and to obey him, and that he wanted to die as a martyr.

*"I'm sorry I didn't tell you the whole truth about my departure and return from Syria....when my little brother died as a martyr I just wanted to join him....it's true that I'm proud to have pledged my allegiance to the Emir of the believers and to obey him.... You don't get the merits of martyrdom just like that, you have to make sacrifices.... nobody should be sad for what happened on 13/11 Wallahí this is nothing but Allah's punishment...When the Khalifa's soldiers set out for that devil's city... I warn you not to speak badly about Allah's allies. We made clear to them that neither the police nor the soldiers are of any use – they are heroes and not suiciders*

Or again: "PROUD TO HAVE GIVEN ALLEGIANCE TO THE EMIR OF THE BELIEVERS AND TO OBEY HIM".

He reworked this text several times, including on 2 and 3 February 2016. The investigators managed to recover this deleted file from the Probook computer.<sup>595</sup>

The heading of the letter, addressed to his mother, includes four Islamic *State* flags. The author identifies himself as "Abou Yahya". It is a Word file dated 2 February 2016 at 18:33. The last modification was made on 3 February 2016 at 01:48.

The author confirms to have gone to Syria. He apologizes for not telling his mother the truth about this, but justifies himself by saying that jihad is an obligation. Muslims cannot just sit back, they must carry out the orders of Allah without thinking.

He mentions the martyrdom of his younger brother in Syria as being the trigger for his interest in religion. After some research, the terrorist group *Islamic State* appeared to be legitimate in his eyes.

Mohamed ABRINI said he was proud to have pledged his allegiance to the Emir of the believers. It is a long and arduous road, he said, to obtain the merits of the death as a martyr and thus claim paradise, adding that he and his brother will be present to welcome their mother in paradise.

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<sup>593</sup> Police report 16132/16 (MOD15, C3, SF2, 24).

<sup>594</sup> This will was drafted when "Abou Yahya" was in the flat in Forest.

<sup>595</sup> Police report 016132/16 (MOD15, C3, SF2, 24)

He approves the attacks in Paris on 3 November 2013. He asks his mother not to be saddened by it. It is nothing but a "*punishment of Allah*" justified by the bombings carried out by France in Islamic territory (Iraq, Syria, Somalia, Yemen, Mali, etc.) and by its open support for Israel. It is forbidden to consider as suicidal the suicide bombers who activated their explosive belts to terrify the misbelievers. They are martyrs, heroes.

Finally, he asks his mother to return to the fundamentals of religion (the Qur'an and the Sunnah) and to one day take the direction of the "*Sham*".

On 22 March 2016, the file "*yahya.txt*" was opened on the computer of the rue Max Roos at 5.07 a.m., as well as the file "*Soulaymane ikrima Yahya.txt*".

After his arrest, Mohamed ABRINI explained that he had only written words of circumstance without really meaning them: "*Even mentally, it didn't cross my mind*"<sup>596</sup>. He specifies that he only "*copied and pasted from other people who had already written their wills*"<sup>597</sup>.

Furthermore, on 17 June 2021, Mohamed ABRINI signed a "refusal to appear" which had been sent to him in the context of his preventive detention. He accompanied his signature with a drawing that reproduced the flag of the Islamic State<sup>598</sup>.

PRISON DE NIVELLES

### REFUS DE COMPARUTION

Nom : ABRINI  
N° cellule : 2006

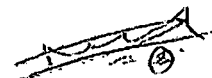
Prénom : MOHAMED

Je ne souhaite pas me rendre à : Rue ROYALE<sup>202A</sup> (comparution) POLICE JUDICIAIRE FED  
ou je devais me rendre ce : 25-06-2021 (C.M.A) 21-06-21  
22-06-21  
23-06-21  
24-06-21

MOTIF DU REFUS SANS MOTIF

Date 17-06-2021

signature du détenu



<sup>596</sup> Police report 21311/16 (MOD9, C4, SF1, 6)

<sup>597</sup> Police report 21311/16, (MOD9, C4, SF1, 6)

<sup>598</sup> Refusal to appear (MOD21, C3, 33)

### **3. His role in the manufacturing of explosives**

Mohamed ABRINI denies having participated in the manufacturing of TATP, insisting on the fact that at that moment he was with Hervé BAYINGANA MUHIRWA. He is however fully informed of the manufacturing process and of the period during which the first purchases of ingredients took place.

He also describes in detail how the flat in rue Max Roos was transformed into a real laboratory<sup>599</sup>.

In the context of the reconstruction, Mohamed ABRINI specifies that it was Najim LAACHRAOUI and Ibrahim EL BAKRAOUI who handled the ingredients. They worked in quantities of "16 small jars". These were jars of beans bought in the shop. Mohamed ABRINI admits that he himself emptied the contents of the glass jars into the toilet<sup>600</sup>. These jars, once filled with TATP, were emptied into flat bins.

During this same reconstruction, Mohamed ABRINI explained that they used yellow kitchen gloves: *"that there were some in the kitchen, that there were a lot of them and (...) they used them to wash the dishes. During interrogation, Mohamed ABRINI stated that they used them for other things as well (...) He stated, however, that he did not wear gloves to make the explosives. He further explains that when they had finished handling the explosives, they cleaned everything, including the gloves"*<sup>601</sup>.

It should be remembered that Mohamed ABRINI's DNA was found on two rubber gloves<sup>602</sup>, one of which also bears the DNA of Najim LAACHRAOUI<sup>603</sup>.

### **4. The "audio" recordings**

Some audio files speak about Abou Yahya. This *kunya* is used by Mohamed ABRINI. These recordings allow investigators to confirm that Mohamed ABRINI is aware that the group is in contact with people in Syria, that he is waiting to hear from them and that he says hello to a common "German" friend and to "Hamza the Belgian":

*"Yeah, hi my brother, the brothers, they all say hello to you, they follow your news carefully, the news about us. They're doing invocations for you, we're always thinking about you... You know? Pass on to uh ... Yahya he says hello to my friend the German, to my friend the German and to Abou Hamza the Belgian. That's it ... As for me, say hello to ...Abou Jihad, Abou Thabet, Abou-Saleh, the two Abou Mousaab you see ?"*<sup>604</sup>.

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<sup>599</sup> (See below)

<sup>600</sup> Police report reconstruction Max Roos, MOD11, C2, SF10, 9

<sup>601</sup> Police report reconstruction Max Roos, MOD11, C2, SF 10, 9

<sup>602</sup> DNA report by experts DEFORCE and ABATI 17/1070, MOD7, C4, SF11, 4

<sup>603</sup> DEFORCE and ABATI expert report 17/1070, MOD7, C4, SF11, 4 - Page 23/76

<sup>604</sup> Police report 014530/16, MOD15, CI, SF1, 34.

According to the analysis of the DGSI<sup>605</sup>, the *kunyas* cited by Najim LAACHRAOUI refer respectively to a French jihadist Salaheddine GOURMAT ("Abou Jihad", involved in the training of operatives within Liwa As Saddik), the Englishman El Shafee EL SHEIKH ("Abou Thabet Al Britani", member of Liwa As Saddik), the Englishman Alexandra KOTEY ("Abou Saleh", member of Liwa As Saddik and head of a training camp in which Najim LAACHRAOUI is said to have worked), the Belgian Sammy DJEDDOU alias "Abou Moussab Al Balgiki" and Thomas CHRISTEN alias "Abou Moussab Al Almani" (i.e. the two Abou Moussab, presumed members of the COPEX)<sup>606</sup>.

In the recording "message.audio" of 21 March 2016, we learn that "*we sent you the wills*" and that, even at this moment, "*Abou Yahya is also determined*".

Another excerpt talks about the wills, which are placed (or will be placed) "*in files, you see 'Yahya', 'Souleymane' and 'mol'*" (i.e. all those who go to Zaventem on 22 March 2016).

##### **5. Mohamed ABRINI photographed with weapons in the rue Max Roos**



<sup>605</sup> DGIS Police report 2015/967/60 (D43756/20), MOD21, C2, 31 and MOD16A, SF6, 1

<sup>606</sup> The order of the investigating chamber of the Paris Court of Appeal mentions that "El Shafee EL SHEIKH (known as "Abou Thabet Al-Britani" or "Georges") and Alexandra KOTEY (known as "Abou Saleh Al-Britani" or "Ringo") were two of the four "Beatles", English jailers operating in the ALEP ophthalmological hospital, along with, in particular, Najim LAACHRAOUI and Mehdi NEMMOUCHE. They are also known as members of the Liwa As Saddiq (D46572, D46578, D43756)" (order of the investigating chamber of the Paris Court of Appeal of 20 July 2020, p 217-NBP 116 : (MOD19, C2, 21).

The photos of Mohamed ABRINI with Najim LAACHRAOUI and Ibrahim EL BAKRAOUI posing with weapons in the Max Roos flat were taken in mid-March<sup>607</sup> :

*"I was busy watching a report on the P.C. The flag was on the wall from the beginning already. They asked me to make the picture with them, which I did. By "they" I mean El Bakraoui Ibrahim and Laachraoui. The pictures were taken in the living room. If I remember correctly it was done before I went to Tivoli but I am not sure anymore. (...) (I posed with the flag of the Islamic State at Max Roos) because I did not want to arouse suspicion. If I had refused they would have found it strange. I can confirm that there is no religious reason or adherence to the Islamic State for this photo"*<sup>608</sup> .

Mohamed ABRINI states that the photos should have been sent to Syria to illustrate the claim<sup>609</sup> .

Osama KRAYEM confirms this hypothesis. When asked about these photographs, he replies: *"In Syria, the people who leave before carrying out a martyrdom operation take these kinds of photographs. (...) Those who take these photos are determined to take action"*<sup>610</sup> .

Mohamed ABRINI indicates that weapons were present in all the dwellings.

In his first interrogation he said, *"There were four Kalashnikovs, five thousand shells, a lot of ammunition. There were grenades (2) like you see in war films (green with squares), C4, handguns. There was also a very small gun (22) where you could only put two cartridges. There was also a revolver, but with small ammunition.*

*I don't know where these weapons came from, they arrived through the El Bakraoui brothers. They arrived little by little.*

*I actually touched all these weapons. They were meant for France. I know they had also ordered tactical jackets<sup>611</sup> but they never arrived"*<sup>612</sup> .

And, well informed, he adds: *You have not already noticed that on the photo of the weapons only (without us), the two kalash that are on the right side of the one (in the middle) have a double magazine. the two magazines are in fact taped together. This is not the case of two other Kalashnikovs that have a single magazine. The small revolver on the picture is the one belonging to Ibrahim EL BAKRAOUI and not the one he was carrying at the airport. Najim had a 7.65 mm pistol "*<sup>613</sup> .

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<sup>607</sup> Police report 21311/16, MOD9, C4, SF1, 6

<sup>608</sup> Police report 21311/16, MOD 9, C4, SF1, 6

<sup>609</sup> summary interrogation by the investigating judge of 22 November 2018, MOD9, C4, SF1,16

<sup>610</sup> Police report 051490/16, MOD9, C5, SF1, 11

<sup>611</sup> Indeed, research about tactical jackets was carried out on the PC of the rue Dries in January and February 2016.

See Police report 13624/16, MOD14, C4, SF3, 4 (extraction of deleted content on the PC of the rue Dries)

<sup>612</sup> Police report 15784/16, MOD 9, C4, SF1, 1

<sup>613</sup> Police report 21311/16, MOD 9, C4, SF1, 6

**6. After the shooting on 15 March 2016: use of another safehouse (rue Tivoli) and return to Max Roos**

On the evening of 15 March, those who lived in rue Max Roos learnt about the police intervention in rue du Dries via the press. Mohamed ABRINI explains that Ibrahim EL BAKRAOUI is "deeply upset"<sup>614</sup>.

The cell then decides in a hurry to split up. Oussama KRAYEM and Mohamed ABRINI leave the flat in Schaerbeek to go to Hervé BAYINGANA MUHIRWA's house in the rue du Tivoli in Laeken.

According to Oussama KRAYEM, the transfer was organised around 10pm<sup>615</sup>. Mohamed ABRINI and Oussama KRAYEM got into the car waiting for them "behind the corner" at rue Maurice Des Ombieux, at the corner of rue Max Roos<sup>616</sup>. Oussama KRAYEM stated that Mohamed ABRINI was wearing a wig<sup>617</sup>. Hervé BAYINGANA MUHIRWA took them both to his home in rue du Tivoli.

The latter denies having intervened in the transfer, but it should be noted that the antenna activated on 15 March 2016 at 22:17 by the telephone of Hervé BAYINGANA MUHIRWA precisely serves the apartment in rue Max Roos (see below).

The statements are discordant and changeable in relation to the number of days that Mohamed ABRINI spent at that place.

Mohamed ABRINI claims that he slept for 2<sup>618</sup> or 3<sup>619</sup> nights in Rue du Tivoli before returning to Schaerbeek.

According to Hervé BAYINGANA MUHIRWA, they came for "2-3 nights"<sup>620</sup>, "3-4 days"<sup>621</sup> or "a few days"<sup>622</sup>, and then left.

Oussama KRAYEM states in his first interrogation that he stayed one day in Hervé BAYINGANA MUHIRWA's house, while ABRINI stayed longer<sup>623</sup>.

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<sup>614</sup> Police report 21311/16, MOD 9, C4, SF1, 6

<sup>615</sup> Police report 051490/16, MOD9, C5, SF1, 11

<sup>616</sup> KRAYEM interrogation of 11 April 2016 (Police report 15937/16, MOD15, C3, SF2, 11)

<sup>617</sup> Police report 15937/16, MOD9, C5, SF1, 4

<sup>618</sup> Interrogation of 18 May 2016 (Police report 21311/16, MOD 9, C4, SF1, 6), Police report interrogation investigating judge PANOU of 29 August 2016

(Police report 38424/16, MOD 9, C4, SF1, 7) and interrogation investigating judge of 22 November 2018, MOD9, C4, SF1, 16

<sup>619</sup> Interrogation of 28 April 2016 (Police report 18778/16, MOD9, C4, SF1, 4)

<sup>620</sup> Interrogation of 8 April 2016 (Police report 15728/16, MOD15, C2, SF2,15 or MOD 9, C4, SF2, 1)

<sup>621</sup> Interrogation investigating judge of 9 April 2016, MOD 15, C2, SF2, 31)

<sup>622</sup> Interrogation of 9 April 2016 (Police report 15805/16, MOD15, C18, SF1, 9)

<sup>623</sup> Interrogation investigating judge of 9 April 2016, MOD9, C5, SF1, 2



He says that when he returns to rue Max Roos, the backpacks (bought on 21 March 16<sup>624</sup>) were ready<sup>625</sup>. He pretends that he could not say who had made the bombs. He says that at that time the weapons had disappeared<sup>626</sup>.

## **7. His daytime on 22 March 2016**

The search on the computer in the rue Max Roos shows that at 5.07 a.m. the text file "yahya" is open, as well as the file "Soulaymane ikrima Yahya.txt".

Mohamed ABRINI pretends that he got up at 6.45 am. He was sleeping in the living room. He had a coffee, washed up, the others were already awake and dressed. They went down in the lift, one after the other, each one carrying his bag.

They help each other load the luggage into the taxi and then enter Zaventem airport together, each one pushing his trolley into the departure hall.

They have a coffee at the Délifrance, because they have seen policemen near the Starbucks.

*"I had a coffee and Ibrahim had a bottle of water and Najim didn't take anything. We were sitting down. Najim then connected the bombs. The trolleys were next to us. He went around the table to charge them (...) Once the bombs were activated, I started to panic. It's normal, it's completely unstable. It's dangerous. Najim comes back to sit at the table. (...) I also remember that at the table I asked Najim about the numbers he remembered. He said that 17 was the USA, 15 was Russia and 5 or 7 was Israel"<sup>627</sup>.*

Mohamed ABRINI left his armed bomb behind and fled after the first two explosions.

Before the investigating magistrate who questioned him on 22 November 2018, he stated that the night before the events, he had not slept, that he had shaved on 21 March, leaving just a goatee beard so as not to be recognised at Zaventem<sup>628</sup>.

Mohamed ABRINI will speak about his experience on 22 March 2016:

*In the departure hall, "I was supposed to go to the US line first. I told Najim that I didn't think I would be capable to follow them. Brahim told me he was going to go himself and he activated"<sup>629</sup>.*

Mohamed ABRINI explains that at the time of the embrace, both of them tried to persuade him to act, promising years in prison.

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<sup>624</sup> Police report 13038/16 (MOD6, CI, SF9,18) and 13395/16 (MOD6, C2, SF1, 8)

<sup>625</sup> Police report 21311/16 (MOD9, C4, SF1, 6)

<sup>626</sup> Interrogation of 18 May 2016 (Police report 21311/16, MOD9, C4, SF1, 6)

<sup>627</sup> Police report 18778/16, MOD9, C4, SF1, 4

<sup>628</sup> Police report 21311/16 (MOD9, C4, SF1, 6).

<sup>629</sup> Police report<sup>629</sup> interrogation investigating judge (MOD9, C4, SF1, 2)



Ibrahim EL BAKRAOUI then *"said that we were going to hear him and that we had to prepare ourselves. Najim then went the other way"*<sup>630</sup>.

While Najim LAACHRAOUI runs away (synchronisation obliges), ABRINI pushes his trolley back towards row 10, turns around, moves away from his trolley and puts his hands over his ears. He declared before the psychiatric expert: *"I moved away as quickly as possible because I knew that there were nails in the bombs"*<sup>631</sup> and he later confirmed before the investigators: *"I was really afraid and even more than all the people because I knew that there was going to be a second bomb. I knew that there were nails in the bombs. I was panic-stricken because I was afraid that the nails would get into my bag and blow it up"*<sup>632</sup>.

He is aware of the danger: *"Yes I am but I put the cart against a pole. I push it...I was only thinking of leaving, not of defusing the bomb"*<sup>633</sup>.

He said before the investigating judge: *"In my mind I said to myself that I was going to let them do it and once it was done I was going to leave. I even wanted to run away before the explosions but I couldn't do it. These are people with whom there is no way to talk, to tell them to abandon the attack and to stay calm. Their target was France, not Belgium; this attack so they did it in a hurry, quickly"*<sup>634</sup>.

*"I knew that something terrible was going to happen (....). I laugh about it now but I may not, there were victims. But you have to understand that in the situation I was in, it was impossible to warn anyone of what was going to happen. You have to understand"*<sup>635</sup>.

He stated that, while he was leaving Zaventem airport, he crossed a little girl of about eight years old, alone, bleeding and shocked. He walked by<sup>636</sup>.

## **8. His escape and arrest**

Mohamed ABRINI makes the long journey on foot from Zaventem<sup>637</sup> to Laeken, where he again finds refuge with Hervé BAYINGANA MUHIRWA. He is joined there the same day by Oussama KRAYEM.

During the escape route, Mohamed ABRINI gets rid of his jacket<sup>638</sup> and his hat.

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<sup>630</sup> Police report 18778/16 (MOD9, C4, SF1, 4)

<sup>631</sup> Expert report BEINE and LEISTEDT, MOD7, C7, SF4, 5

<sup>632</sup> Police report 42728/16 (MOD 9, C4, SF1, 9)

<sup>633</sup> Police report 42728/16 (MOD9, C4, SF1, 9)

<sup>634</sup> Police report interrogation by the investigating judge, MOD9, C4, SF1, 2

<sup>635</sup> Police report 18778/16 (MOD9, C4, SF1, 4)

<sup>636</sup> Police report 42728/16 (MOD9, C4, SF1, 9)

<sup>637</sup> The investigation revealed images of him during his escape. See Police report 13020/16 (MOD6, C5, SF7, 5), Police report 13030/16 (MOD6, C5, SF7, 6), Police report 13450/16 (MOD14, C14, SF2, 67), Police report 13130/16 (MOD6, C5, SF7, 16), Police report 17611/16 (MOD15, C12, SF2, 24A), Police report 4574/18 (MOD15, C22, SF2, 2), Police report 8992/18 (MOD15, C24, SF1, 8), ...

<sup>638</sup> Police report 13450/16 (MOD14, C14, SF2, 67)

Neither the elements of the investigation nor the statements of the persons concerned make it possible to know exactly how many nights he stayed with Hervé BAYINGANA MUHIRWA. He claims that after spending two nights there, he started a "*homeless life*"<sup>639</sup> and slept in "*the parc of Forest*", in spite of the cold and humidity that prevailed at that time of the year 2016<sup>640</sup>.

On the evening of 31 March 2016, thanks to the intermediary of a young man from his neighbourhood, Mohamed ABRINI met his fiancée Nawal EL KHALLOUKI. The latter begs him to go to the police.

On 3 April 2016, at 2:24 a.m., Mohamed ABRINI was seen on the surveillance cameras in Avenue des Casernes, 39. He uses the badge and pass given to him by Oussama KRAYEM. He comes out of the building 7 minutes later.

At the beginning of April 2016<sup>641</sup>, Mohamed ABRINI meets Assia BERRYAN in a café opposite the abattoirs<sup>642</sup>. This lady agrees to shelter him. He had pretended to have forgotten his keys while his parents were travelling. He did not reveal his identity. He pretended to be called "*Bilal*" and to live in Laeken. On her side, Assia BERRYAN learns his real identity only after his arrest.

On 7 April 2016, he was observed 3 times between 19 h. 12 and 19 h. 50 when he presented himself at the address of Hervé BAYINGANA MUHIRWA without being immediately recognised. He then went to the "maritime district", where track of him was lost.

On 8 April 2016, at 16:01, Mohamed ABRINI was finally arrested in the Chaussée de Mons while he was heading towards the home of Hervé BAYINGANA MUHIRWA.

## **9. His telephony**

No telephone inquiry has been carried out in the context of the Brussels attacks as no phone belonging to him was found. Mohamed ABRINI stated during his interception that he didn't have a phone anymore since 14 or 15 November 2015 (He claims to have "*thrown it in the canal*"<sup>643</sup>).

On 22 March 2016, the perpetrators of the Zaventem attacks coordinated and each of them received a new phone. *All three phones were coordinated on the same date and time. So it was necessary to look at the phone to coordinate the attacks. A time was set up but I don't remember which one*"<sup>644</sup>.

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<sup>639</sup> Police report 18778/16 (MOD9, C4, SF1, 4)

<sup>640</sup> Police report 16595/18, MOD15, C25, SF2, 24A (weather conditions for March and April 2016)

<sup>641</sup> Assia BERRIYAN estimates the meeting with him on 5 April 2016 (Police report 48546/16, MOD9, C2, SF1,1) while ABRINI claims he slept in the street between 25 March and 31 March (Police report 18778/16, MOD9, C4, SF1, 4)

<sup>642</sup> Police report 15784/16 (MOD15, C2, SF2, 20)

<sup>643</sup> Police report 15784/16 (MOD9, C4, SF1,1)

<sup>644</sup> Police report 42728/16 (MOD 9, C4, SF1, 9)

But *"when I came out of the airport, I removed the battery and the chip and threw it in a bin on the way. If you see me with a phone on the way, it's because I'm pretending, at the moment I cross people or a police car"*<sup>645</sup>.

#### **10. Banking and financial research :**

The BPOST and FORTIS accounts held by him are slightly negative, and there was no particular transaction during the infringement period<sup>646</sup>.

At the moment he was arrested, he was in possession of €2300. To explain this sum, he stated that *"someone"* had helped him by giving him this amount after the attacks, when *"he was sleeping in the street"*. But this person asked him not to be contacted again, because Mohamed ABRINI had become *"radio-active"* and that person was afraid of getting problems<sup>647</sup>.

#### **11. His words revealed by the intelligence taps carried out by the State Security**<sup>648</sup>

##### **a) The denunciations of the "BIM" Commission (BIM = special investigation measure)**

Within the framework of its legal missions and in a completely autonomous manner, the State Security carried out an intelligence investigation on Mehdi NEMMOUCHE, Mohamed BAKKALI and Mohamed ABRINI following the attacks in Paris and Brussels<sup>649</sup>.

The law<sup>650</sup> provides that the chairman of the administrative commission responsible for overseeing the specific and exceptional data collection methods of the intelligence and security services (BIM commission) is obliged to report to the Federal Prosecutor's Office the existence of serious indications of criminal offences of which he is aware.

Three declassified reports were thus transmitted to the Federal Prosecutor:

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<sup>645</sup> Police report 18778/16 (MOD9, C4, SF1, 4)

<sup>646</sup> Police report 021800/16 (MOD15, C6, SF1, 38)

<sup>647</sup> Police report 18778/16 (MOD9, C4, SF1, 4)

<sup>648</sup> One of the tasks of the State Security is to seek, analyse and process intelligence on any activity that threatens or could threaten the internal security of the State and the continuity of the democratic and constitutional order, the external security of the State and international relations. This includes any activity, individual or collective, carried out within the country or from abroad, which may be related to terrorism (Article 7 of the Intelligence Services law of 30 November 1998). Terrorism is defined in Article 8 of this law as the use of violence against persons or material interests, for ideological or political reasons, with the aim of achieving an objectives by terror, intimidation or threats.

<sup>649</sup> The aim of the intelligence services is to identify the possible remaining threat to Belgium and not to search for crimes and their perpetrators.

<sup>650</sup> Art 19/1 Law of 30 November 1998.

- The first report, dated 27 May 2016, denounces serious indications of offences revealed in tapped conversations on 10 May 2016 between Mehdi NEMMOUCHE and Mohamed ABRINI when they were detained in the prison of Bruges.

They indicate that Bilal EL MAKHOUKHI knows the whereabouts of the weapons, money and explosives that were entrusted to him by Najim LAACHRAOUI.

Mohamed ABRINI also confirms that these weapons, money and explosives would be used to commit a new attack.

- A second declassified report was drawn up by the President of the "BIM" Commission on 15 June 2016. He denounced serious indications of offences revealed by other conversations concerning Mohamed ABRINI:

-the latter revealed to NEMMOUCHE on 7 May 2016 at 18.31:

*"I pledged my allegiance to Jihadi John. Hand in hand."*

- and on 9 May 2016 at 2.50 pm :

*"(...) once, I was together with the farmer<sup>651</sup> and we caught one who was working for the government and he was giving out information about the brothers and everything, (...) I don't know if he was putting chips ... He was in prison for a while and he was tried... the sentence was irrevocable .... It was death....you know what. It's crazy, I don't know if you've ever seen ..... You see, the men while they're talking, the one who's going to carry out the execution while he's talking, you've got the other one with the orange tunic (..) at a certain moment, in the middle of the video (..) 100 to 200 flies landing on him ...."*

- A third declassified report was prepared by the Chairman of the BIM Commission on 29 July 2016<sup>652</sup>.

He reported on recorded conversations between ABRINI and EL MAKHOUKHI on 1 June 2016 and 2 June 2016.

In these conversations, they talk about weapons and money that would have been entrusted to Bilal EL MAKHOUKHI. Mohamed ABRINI asks EL MAKHOUKHI about the weapons, he would like to know where the weapons are and how his brother could possibly take possession of them.

1 June 2016 at 22:39

- ABRINI: You remember the guy, one of the two brothers, the one who told you in which direction to go: did he leave you money?
- EL MAKHOUKHI : no, not to me but to his family
- ABRINI: And he only left you the weapons?
- EL MAKHOUKHI: no but I know where they are hidden

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<sup>651</sup>Other intercepted conversations indicate that the farmer is Abdel Hamid ABAAOUD.

<sup>652</sup> Police report analysis 35260/19 (MOD15, C31, SF3, 21A)

2 June 2016 at 19:34

- ABRINI: Bilal, do you remember how many weapons were in the bag?
- EL MAKHOUKHI: no I don't remember
- ABRINI: Too bad. I'm not talking about the little ones, but the big ones
- EL MAKHOUKHI: yes I know but I don't remember

2 June 2016 at 22:11

- ABRINI: I wanted you to tell me the code where the weapons were so I could have sent someone to get them
- EL MAKHOUKHI: The problem is that if the person I gave the weapons to doesn't know him, so he won't give anything to him. That's the instruction I gave him.
- ABRINI: Yes, but if I send my little brother, he will show him his identity card. Your contact will then know that I am in prison with you in Bruges and that my brother is coming on our behalf. Just by mentioning my name, he will know that this is not a trap. Because I know people who are ready to get me out of here. You see....

These three reports have been forwarded to the investigating judges in charge of the investigation in September 2019.

b) Notes from the State Security

The conversations held between 11 April 2016 and 25 May 2016 between ABRINI, BAKKALI, ABDELAM Salah and NEMMOUCHE were developed in two notes transmitted by the State Security on 7 and 21 October 2019<sup>653</sup>.

- Mohamed ABRINI confirms that Abou Imrane is indeed Bilal EL MAKHOUKHI;
- Mohamed ABRINI confirms that "*The Swedish burnt his face. He burnt his face in an exaggerated way. Brahim was clean-shaven. The fire burnt his hair*";
- He explains to NEMMOUCHE the attack in the metro "*there you see la dégomme*" (note translator: *unexisting word*);
- Answering a question from NEMMOUCHE, he said that the detonator was made "*like a Christmas garland*";
- Mohamed ABRINI explains to NEMMOUCHE how they sent messages to "*la Juve*" [note: code name for *the Islamic State*], in particular Najim LAACHRAOUI who spoke with the Emir over there by encrypted messages;
- That "*over there*" they didn't have internet for a week, so that "*Juve*" did not know that Salah had been arrested;
- Najim LAACHRAOUI "*really wanted to load a truck, get on it and drive into the crowd, you see. As soon as a match starts, like the opening match, BANG ! No more Euro*";

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<sup>653</sup> Police report 36325/19, MOD 15, C31, SF3, 23b



- Confirming the content of certain "audios", Mohamed ABRINI explains NEMMOUCHE that the cell had other plans: *"Najim [LAACHRAOUI] said we have 2 or 3 people, with a high ranking. We can catch them whenever we want: a surveillance has been carried out on them".* But Mohamed ABRINI doesn't know who they were; *"no, he didn't say who, but they were two guys and a woman. And if someone catches them ... They take us out immediately, put us in an airplane... we'll ask in exchange that they take out some "sisters" and then he mentioned your name and that of BAKKALI Mohamed"*<sup>654</sup>.

We also learn in this conversation that Mohamed ABRINI said to Bilal EL MAKHOUKHI that he used to go to pray at the Loqman mosque: *"I used to go there on Fridays"*.<sup>655</sup>

According to Mohamed ABRINI, the group, and especially the "Emir of Forest" (editor's note: Mohamed BELKAID), did not want Salah ABDESLAM to be arrested because this arrest would *"make the Security Services happy"*<sup>656</sup>.

Questioned by the investigating judge about these conversations, Mohamed ABRINI hides behind his right to silence.

#### **E - STATEMENTS BY MOHAMED ABRINI**

The accused persons were interrogated several times during the investigation. In view of the magnitude of the case, this section only includes statements made by the accused persons which illustrate their state of mind and their point of view with regard to the facts.

##### **1. Regarding his integration into the cell of the Brussels attacks**

*"When I see that I am wanted [he says 13 November but it is rather 14 November, editor's note], EL BAKRAOUI Khalid comes to pick me up at my sandwich shop. He tells me to follow him because my face has been shown in the media. I didn't know that Salah Abdeslam had used his card to pay [on his way from Brussels to Paris to commit the attacks of 13 November 2016 – Editor's note]. Afterwards, the people in the flat were angry with him. If he hadn't done that maybe I would have got away with it. I had wedding plans (...) I'm disgusted. I didn't want to go. He dropped me off at Rue Henri Bergé but I really didn't want to. Khalid EL BAKRAOUI I did not know him. I knew his brother Ibrahim quickly. I was in front of the door of the snack bar and he passed there. It is a bit because of the circumstances that I found myself in this apartment. I know that I am wanted, that Salah is wanted. I followed.*

<sup>654</sup> Police report 36325/19 and SE note of 7 October 2019, MOD15, C31, SF3, 23B

<sup>655</sup> Police report 36325/19 (MOD15, C31, SF3, 23b): conversations between ABRINI and EL MAKHOUKHI (p22/23)

<sup>656</sup> Police report 36325/19 and SE note of 7 October 2019, MOD15, C31, SF3, 23B (p. 19/23)

*When EL BAKRAOUI Khalid comes I understand the trap is closing. Just before we had paid the caterer, the wedding hall, the lease was signed and two days later I find myself in a flat I have never seen. I've left everyone in fact. I was in the flat with the others. We were talking. The others were saying that we should continue until the end. That we shouldn't surrender"*<sup>657</sup>.

*"Khalid did not live in the flats. Khalid El Bakraoui, before he came to look for me at the snack bar, I didn't know him. If he found me, it was because he had been given information in order to find me. At that moment, I told myself that he was the only man I could trust"*<sup>658</sup>.

*"There was Najim, Belkaid. We talked. We said that it was better to work with them and to continue until the end, that we should not surrender. They said this to us, to Salah. I had thought of leaving with false papers. Since the borders are ..., there is a way. I wanted to leave. Either to Morocco if it was possible. Even Syria would have been even better to go to than to Zaventem."*<sup>659</sup>

*"Then [with the publication of his photo with Salah ABDESLAM, Editor's note], things happened quickly one after the other. I followed my brothers. They told me that I had to do this for the brothers who died in Syria and for Islam. I was not convinced. As I said before, I don't fit in with the religion or the Koran. It was not conceivable for me to kill innocent people. I was only told extreme things. I kept seeing extreme pictures of torn up bodies, tortured bodies, children with their throats slit"*<sup>660</sup>.

*He says he was drawn into "something that was beyond me. I opened my eyes too late, but then I said stop. When you are in my situation (wanted by the police) you have the feeling that you are protected by these people. Everything was turned upside down and happened very fast"*<sup>661</sup>.

*At the end of his first statement, he added: "I would like to add that even though I will never be believed, I really regret having gotten into such stories, even though I know that I have long years of prison ahead of me. I would really like to give advice so that young people don't get involved in stories like this. I would like to go back in time but it is not possible. I am also happy for my parents because they will be able to rest knowing that I am in prison"*<sup>662</sup>.

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<sup>657</sup> Police report interrogation by the investigating judge PANOU of 25 August 2016 (p 15/19), attached to Police report 38424/16 (MOD9, C4, SF1, 7)

<sup>658</sup> Police report interrogation by the investigating judge of 22 November 2018 (MOD 9, C4, p. 16)

<sup>659</sup> Police report interrogation by the investigating judge PANOU of 25 August 2016 (p 15/23), attached to Police report 38424/16 (MOD9, C4, SF1, 7)

<sup>660</sup> Report by psychiatrists BEINE and LEISTEDT (MOD7, C7, SF4, 5)

<sup>661</sup> Police report 15784/16, MOD15, C2, SF2, 20

<sup>662</sup> Police report 15784/16, MOD15, C2, SF2, 20



*"I didn't want to be with them, I didn't want to do that. I didn't want to run away, but as I was hidden with them for a very long time I went all the way with them and then I left, they thought I would go all the way.*

*"I don't know what I've gotten myself into. Since 13 November there has not been a day when I have not felt regret. I have my share of responsibility. I have to pay my debt to society"<sup>663</sup>.*

## **2. As for the distribution of the group members in the safehouses and the transfers between the flats**

Following the searches carried out in the vicinity of Rue Henri Bergé, Salah ABDESLAM and ABRINI joined BELKAID, Omar (KRAYEM) and Hamza (AYARI) in Jette, each with their belongings (books and clothes). *"I even think that they had caught OULKADI and that they were questioning him to know where he had dropped Salah off and it was in Schaerbeek. Therefore, the others were no longer safe in this safehouse"<sup>664</sup>.*

*« we took a taxi (...) with wigs and glasses [to go from rue Henri Bergé to Jette]"<sup>665</sup>.*

*« Khalid (EL BAKRAOUI) comes to pick us up in the evening, to drive us from Jette to rue du Dries. He came to pick us up in a car, the car was, as I told the investigators, I think, a grey Peugeot, a station wagon. The driver was the same person who had taken us from Henri Bergé to Jette"<sup>666</sup>.*

*« I don't know who are the owners of the Peugeot and the Golf. I confirm that I travelled with these cars but I don't know their identities. Already I don't know El Bakraoui Khalid, so I don't know how I could know his friends (...). I don't know where these people come from and I don't have any name to give. El Bakraoui got into the car at the front side with the person and we got into the car at the back side. We left the exhibition at rue du Dries I think. El Bakraoui told the driver that these were brothers he had to give a lift to. Me Oussama and Salah"<sup>667</sup>.*

*« I was not supposed to leave [from Forest], I was supposed to stay at rue du Dries and Salah was supposed to leave and BELKAID at the last minute said "no, you leave". Originally, SALAH was supposed to leave with LAACHRAOUI and KRAYEM and in the end BELKAID decided that SALAH would stay and that I would leave. In fact, everyone wanted to leave rue du Dries, it was a flat with cardboard walls, you could hear everything the neighbours said, it was very unpleasant. I don't know how the distribution was made. Sometimes there were discussions between them in the kitchen, between EL BAKRAOUI,*

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<sup>663</sup> Police report interrogation by the investigating judge PANOUE of 9 April 2016, MOD9, C4, SF1, 2

<sup>664</sup> Police report interrogation by the investigating judge PANOUE of 25 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

<sup>665</sup> Police report interrogation by the investigating judge PANOUE of 26 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

<sup>666</sup> Police report interrogation by the investigating judge PANOUE of 22 November 2018, MOD9, C4, SF1, 16

<sup>667</sup> Police report interrogation by the investigating judge PANOUE, 26 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

*BELKAID and LAACHRAOUI. Salah, AYARI, KRAYEM and I were on our own*<sup>668</sup>.

*« From the moment I am in Max Roos, I have no contact with those who are staying in rue du Dries. Conversely, none of the three who stayed at rue du Dries came to Max Roos. There were telephone conversations between LAACHRAOUI and BELKAID*<sup>669</sup>.

*We arrive at rue Max Roos by taxi (...) I get into the taxi with LAACHRAOUI. KRAYEM and Ibrahim EL BAKRAOUI took the tram. It must have been 8pm. Brahim spent the first night with us and he came from time to time at night (...) The only persons who had telephones were LAACHRAOUI, BELKAID and EL BAKRAOUI Ibrahim, I didn't have a telephone. One of them called the taxi*<sup>670</sup>.

### **3. As for the wills**

*« Rue du Dries, everyone had made their will. There was Salah Abdeslam, the one who was killed on the spot, BELKAID, LAACHRAOUI, Abou Hamza but that's AYARI Sofien and KRAYEM.*

*Me and Salah were the last two to do it because we didn't give any importance to this. We were often on the tablets, the Internet, there was the Playstation. LAACHRAOUI and I think one of the brothers EL BAKRAOUI did the recall every week regarding the will. I think it was Ibrahim. The others had already done it. There were drafts, there was a book (a notebook for writing). And then there were sentences and I took some passages. Wills are made for families. Everyone did it for the family, so I did it for the family*<sup>671</sup>.

*« As everyone else was making wills, I also made my own. (...) As I told you, the aim was not to stand out from the others. They asked me if I had made my will, which I ended up doing. I made several wills but I tore them all up*<sup>672</sup>.

*« For the others, they did more than me regarding the writing of their wills. (...) El Bakraoui made a written will and an audio will. This is another level. We are in the Champions League here. I made it from the right to the left side. I knew that it was going to be read by people in Syria, leaders,...*<sup>673</sup>.

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<sup>668</sup> Police report interrogation by the investigating judge PANOU of 22 November 2018, MOD9, C4, SF1,16

<sup>669</sup> Police report interrogation by the investigating judge PANOU of 22 November 2018, MOD9, C4, SF1,16

<sup>670</sup> Police report interrogation by the investigating judge PANOU of 22 November 2018, MOD9, C4, SF1,16

<sup>671</sup> Police report interrogation by the investigating judge PANOU of 25 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

<sup>672</sup> Police report 21311/16, MOD9, C4, SF1, 6

<sup>673</sup> Police report interrogation by the investigating judge PANOU, 25 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

#### **4. As for the manufacture of TATP**

Mohamed ABRINI often addresses the subject. He explains in detail how the group was manufacturing the explosive, the consequences on daily life and the targets that the cell aimed at.

As for the chronology of the manufacturing of TATP, Mohamed ABRINI stated in his first interrogation that it was in January 2016, when all the members of the cell were in rue du Dries, that Khalid EL BAKRAOUI bought the necessary products:

*"In fact, they were already preparing for France. They already had the products. (...) It was Ibrahim's brother who bought the products I think. I think he stored them in a garage box. The products were thirty litre cans that they brought back one by one. I think they had already bought the products in January. They bought it from a wholesaler, but I have no idea where. I don't know where the box was, I don't know where they were hiding their stuff, they probably had a car, I don't know"*<sup>674</sup>.

Mohamed ABRINI also explains in detail how the group organised itself at the rue Max Roos to manufacture the explosives:

In the kitchen there were the jars, syringes, cups and masks.

In the saloon, a grill is set up against the wall on a stool in front of the heating machines in order to dry the TATP. The pastry roll is used to *"knock the water out of the TATP"*.

In the hall near the bins, there is a large canister containing acid.

The tanks are stored first in the kitchen and then in the bedroom, *"The empty cans were cut up and thrown in the bin"*<sup>675</sup>.

To protect themselves, they wore dish gloves and a doctor's mask when they were working on TATP. The window is always open.

Once wrung out, the TATP is spread out on the floor on pieces of cloth and dried in the air of fans that blow hot air into the room but also into the living room. *"During this phase, we had to sleep with a mask because the smell was so strong. I used to sleep with a T-shirt on my face"*<sup>676</sup>

- *At the beginning they were preparing the bombs in the kitchen. It was unbearable, especially the smell. So we moved the stuff from the room (mattress, PCs) to the living room so that the room could be used as a lab*<sup>677</sup>.

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<sup>674</sup> Interrogation of 8 April 2016, Police report 15784/16 (MOD15, C2, SF2, 20)

<sup>675</sup> Interrogation of Mohamed ABRINI on 18/05/16 (Police report 021311/16, MOD9, C4, SF1, 6)

<sup>676</sup> Police report 21311/16, MOD9, C4, SF1, 6

<sup>677</sup> Police report 21311/16 (MOD9, C4, SF1, 6)

Mohamed ABRINI confirms that the first mixtures were made before the intervention of the police in the Rue du Dries. When the room became a laboratory, the mattresses were transferred to the living room because the smell was strong and unpleasant.

The odours described by Mohamed ABRINI were confirmed by several occupants of the building. The concierge, Alexandrino RODRIGUES DA COSTA PEREIRA, mentions "*a dirty smell in the flat*"<sup>678</sup>. Ahmed MARGOUM speaks of a particular smell of ammonia<sup>679</sup> and Gladis LOPEZ ARIAS describes a smell of gas or sewage and states that the roof window on the 5th floor was "sometimes opened" to ventilate<sup>680</sup>.

As for the role of each individual (including himself<sup>681</sup>) in the making of the TA

- Najim LAACHRAOUI and Ibrahim EL BAKRAOUI were in charge of this, "*from time to time Krayem also gave a hand in this production, such as filling the cups with ice cubes, doing the chores (throwing away the dustbins, emptying the water, cleaning the tanks)... (...)The empty cans were cut up and thrown in the bin. For the rest of the products, there was nothing left. Everything is transformed into TATP. There is no waste except for the empty cans*"<sup>682</sup>.

Mohamed ABRINI specifies that the powder was put by Ibrahim EL BAKRAOUI and Najim LAACHRAOUI in the dustbins and the dustbins in the bags. "*They were also the persons who mixed everything with the bolts*"<sup>683</sup>.

According to his statements<sup>684</sup>, there were 120 kilos, i.e. 30 kilos in each suitcase and 15 in each backpack. He confirms that these two bags were taken the day before the attacks.

As for the acceleration in the manufacturing of TATP

During his interrogation of 22 November 2018 by the investigating judge, he stated: "*I never understood how one could obtain a solid with three liquids and ice cubes. It was LAACHRAOUI who took care of the measurements, he learned that in Syria. He made marks on the Pyrex to be sure of the measurements. While they were making TATP, I was in the living room playing. I was afraid, TATP is unstable. I saw the thirty-litre tanks filled in two or three days. TATP was being manufactured very very quickly. Then they cleaned everything up, put it in a cupboard near the bathroom and we could cook. There was a wooden plate. It was incredible how many cans of acetone were there. If it was going to blow, because it's so unstable, the whole neighbourhood would have gone up.*"

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<sup>678</sup> Police report 13027/16, MOD6, C7, SF1, 26

<sup>679</sup> Police report 035922/20, MOD15, C31, SF3, 75

<sup>680</sup> Police report 035842/20, MOD15, C31, SF3, 73

<sup>681</sup> Cfr supra

<sup>682</sup> Police report 021311/16, MOD9, C4, SF1, 6

<sup>683</sup> Police report 18778/16, MOD9, C4, SF1, 4

<sup>684</sup> Police report 18778/16, MOD9, C4, SF1, 4

*I thought about my family very often*<sup>685</sup>.

Before the investigating judge, he stated that at the beginning, twelve to fourteen kilos of TATP were produced per day. Then they doubled this quantity to 130 KG. They started working with 2 tanks on wheels (of 16 jars each), then with 4<sup>686</sup>.

In travel bags, only the outer metal casing of the bins is used. The same process was used for backpacks, but with smaller containers<sup>687</sup>.

#### As for the destination of the explosive

Mohamed ABRINI talks about a target he heard about when he was at the rue du Dries. He said, *"I think they wanted to take over France in fact. I found out later. It was planned for the Euro. I don't know from whom but I heard it at rue du Dries I think. Someone was talking but I don't want to say a name without being sure. I heard it. Surely they knew that after an attack France would react, so it was the second team that had to hit France"*<sup>688</sup>.

He stated on 28 April 2016 that: *"There were 120 kilos (of TATP). They wanted to have maybe 500 kilos, they wanted to fill cars like in Iraq or Syria. That's what they wanted to do at the Euro football tournament. They wanted to smash through the police barriers and run into the crowd. The arrest of Salah and the other one who was killed in Forest, has accelerated things. They were ready to do much more but they limited themselves to what was possible"*<sup>689</sup>.

He confirmed before the investigating judge that: *"The 22nd of March was not planned because the others said that Belgium was insignificant and that it was the base where they were hiding. The investigators did not believe me. Fortunately, in the PC, it shows that there has been a rush. The target was Euro 2016"*<sup>690</sup> and *"The project was France. When I was in the flats Laacharoui told me that Abaaoud had forbidden them to touch Belgium and never to touch Belgium"*<sup>691</sup>.

#### As for the determination of the targets

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<sup>685</sup> Police report interrogation by the investigating judge PANOU MOD 9, C4, SF1,16

<sup>686</sup> Police report interrogation by the investigating judge PANOU 22 November 2018, MOD9, C4, SF1,16

<sup>687</sup> Police report 21311/16, MOD9, C4, SF1, 6

<sup>688</sup> Interrogation of 29 August 2016, attached to Police report 38424/16 (MOD 9, C4, SF1, 7).

<sup>689</sup> Police report 18778/16, MOD9, C4, SF1, 4)

<sup>690</sup> Police report interrogation by the investigating judge PANOU 22 November 2018, MOD9, C4, SF1,16

<sup>691</sup> Police report interrogation by the investigating judge PANOU 25 August 2016, attached to the Police report 38424/16 (MOD 9, C4, SF1, 7)



- To the question of how the group reacted after the announcement of the death of Mohamed BELKAID and then after the arrest of Salah ABDESLAM and AYARI, Mohamed ABRINI replied: *"I thought they were going to stay in that apartment even during one year because I knew they had to return to France. Then events put them in a hurry. It was Euro 2016 that they were aiming for. The 120 kilos were made in less than a month. The production started in February more or less. From what I knew and heard, it was only Euro 2016 that was being prepared. I don't know which stadium they were aiming for. I don't know anything more"*<sup>692</sup>.

As for the question of why TATP (so unstable) was made so early (compared to Euro 2016 which was held in June and July 2016), Mohamed ABRINI answers that: *"To prepare a car you need time, there were maybe 2 or 3 cars, I don't know what they had in mind. I don't know if they had another target between the Euro and the Paris attacks. TATP is not so unstable, in Syria it dries in the sun. On questioning it is LAACHRAOUI who told me"*<sup>693</sup>.

He claims that he learned the day before 22 March that there was going to be a group that would "hit" Zaventem: *"There was Najim LAACHRAOUI, Ibrahim EL BAKRAOUI and me. Najim said that there was going to be a group at the airport. For the others I don't know: Maelbeek and the metro were never mentioned. For us, I knew that the group was the group of Max Roos'. I had also seen videos in the P.C. on 16, rue de la Loi"*<sup>694</sup>. So I thought that the others (Khalid and KRAYEM) were going to hit there. It was after supper, the PCs were not yet thrown away"<sup>695</sup>.

On the day itself, he told the investigating judge, the idea was *"to go to the airport, to take the queue for the US, Russia and Tel Aviv I think. Najim was looking at the signs and he told us that each of us had to go to a number"*<sup>696</sup>.

He later told the investigators: *"It was the day after Salah's arrest that the EL BAKRAOUI brothers decided to go to the airport and the metro"*<sup>697</sup>.

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<sup>692</sup> Police report interrogation by the investigating judge PANOU 29 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

<sup>693</sup> Police report interrogation by the investigating judge PANOU 29 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7. See also Police report 42728/16 (MOD9, C4, SF1, 9)

<sup>694</sup> Indeed, in the computer's waste bin we find 3 videos that were placed there on 16 March 2016, Police report 13504/16, MOD15, CI, SF1, 16

<sup>695</sup> Police report 21311/16, MOD9, C4, SF1, 6

<sup>696</sup> Police report interrogation by the investigating judge PANOU, MOD9, C4, SF1, 2

<sup>697</sup> Police report 13851/19, MOD9, C4, SF1, 17

**5. As for the existence of a box<sup>698</sup>**

Mohamed ABRINI said: *"The cans of acetone, acid and hydrogen peroxide were in a box, a garage and it was Khalid who had access to them. I heard vaguely between one of the brothers EL BAKKRAOUI and the other I don't know, maybe LAACHRAOUI. Frankly I don't know anymore. It was a box not far from Max Roos and every time they made quantities of TATP and there was none left, they went to get some. Sometimes they left for 5 minutes and sometimes for the whole day. In the room of the flat of Max Roos there were already I don't know how many cans. The box I don't know where it was"*<sup>699</sup>.

**6. As for his personal beliefs**

*« Me no one came to radicalise me, no one influenced me. I tell you, it was anger, the fact of having lost one's relatives, of seeing the horrors that are happening there, you see thousands of Muslims being killed like flies, no it was anger, haste"*<sup>700</sup>.

*« I did 10 months in prison, I lost my brother and friends over there. I came out of prison and I found my neighbourhood empty. And then you're in a neighbourhood, so-and-so tells you that so-and-so called and wanted to talk to you. That's how it works in the neighbourhood. When I went into prison it was white and when I came out it was black (...) I was often visited in Forest and people told that one of my friends had been killed. All my friends killed plus my brother. I had never read the Koran. That's when I started to read the whole Koran to see if the Koran allowed what they were saying as they were saying it. I don't hide from it, these things are written in the Koran, they went (there) to help the weak and the poor who were being slaughtered. They were doing ga for a good cause. And afterwards, it took a completely different turn"*<sup>701</sup>.

*« Jihad is part of Islam. The Prophet specifically said what to do, and killing children and women is forbidden. Even a tree cannot be cut down"*<sup>702</sup>.

*« After all these things they went through before coming back to Belgium, it wasn't a guy like me who was going to dissuade them. I was afraid of turning them in, I was afraid for my family. There would have been reprisals. With information like that I could have made millions of euros, I thought about the consequences, I didn't want my family to be in danger afterwards. And then I couldn't give them up because I understood them and I*

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<sup>698</sup> To be remembered that near the flat in the Rue de l'Exposition, a box was rented by Khalid EL BAKRAOUI, in which a bag filled with hundreds of nuts was found

<sup>699</sup> Police report 38424/16 (p. 4-5 of the hearing), MOD9, C4, SF1, 7)

<sup>700</sup> Police report 13851/19, MOD9, C4, SF1, 17

<sup>701</sup> Police report interrogation by the investigating judge PANOU of 25 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

<sup>702</sup> Police report 21311/16 p 16/33 (MOD9, C4, SF1, 6)



*didn't understand them at the same time and then my brother had fought with them. Until now I wonder how it all happened. It's something that messes you up for the rest of your life*"<sup>703</sup>.

#### **7. As for the terrorist group Islamic State**

*"I think it's people from the four corners of the world who have formed a state. People who have come together and formed a state to live in a country that is Islamic. As for the ideas of the IS, I don't have an opinion about it. I just want to say that when people are murdered by BASHAR, they don't say anything and when the IS does something, they make a big deal of it. I remind you that in Syria and Iraq, many children and innocent people are killed by the Americans or the coalition and nothing is said about it." (...) "I don't know about their (the IS's) idea. The only thing is that I agree to help people and to defend the weak, even more so if they are Muslims. If it's to take up arms against soldiers, then yes, I would be ready. It's all about the media spreading ideas*"<sup>704</sup>.

#### **8. As for his journey to Syria**

*"The only people I saw was Abaaoud and Laachraoui. Those are the two I saw when I was there (...) When I wanted to come back Abaaoud advised me not to do it. He told me no. He told me that Syria was not a shop where you come and go. He told me that he allowed me exceptionally to leave*"<sup>705</sup>.

#### **9. About Najim LAACHRAOUI**

He states that Najim LAACHRAOUI frequented the safehouses of rue Henri Bergé, Jette (even if he would not have slept there), rue du Dries and rue Max Roos together with him: *"We called him Abou Idriss. I was called Yahya because my grandfather who was killed in Syria was called Abou Yahia. I didn't have a name starting with Abou. Najim did not follow me as time went by. He was just in Forest and Schaerbeek. In Forest we were together for two or three weeks and in Schaerbeek we lived together for less than a month. (...) It was probably Najim who had contact with someone who gave orders*"<sup>706</sup>.

*"(In Rue Henri Bergé) There was Najim, Belkaid. We talked. We said that it was better to work with them and to continue until the end, that we shouldn't surrender. They said this to us, to Salah"*<sup>707</sup>.

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<sup>703</sup> Police report interrogation by the investigating judge PANOU of 22 November 2018, MOD9, C4, SF1,16

<sup>704</sup> Police report 21311/16, MOD9, C4, SF1, 6

<sup>705</sup> Police report interrogation by the investigating judge PANOU of 3 September 2018, attached to Police report 13854/19, MOD 15, C30, SF1, 9D

<sup>706</sup> Police report 15784/16, MOD9, C4, SF1, 2

<sup>707</sup> Police report interrogation by the investigating judge PANOU of 26 August 2016, attached to Police report 38424/16, MOD9, C4, SF1, 7

*"It's true that I wanted to go all the way with them, frankly they were very nice people, like LAACHRAOUI, EL BAKRAOUI, they are kind people, LAACHRAOUI was a real nice guy, he was shy. I know that if I would say that outside, people would take me for a madman, but no, they were gentlemen. I wanted to accompany LAACHRAOUI until death"<sup>708</sup>.*

When the investigating judge asked him whether Mohamed ABRINI had not tried to reason with his companions, he replied: *"How to reason with someone who has lived through a war, who was riddled with bullets? What are you going to tell such a person? Upon the investigating judge's question, he specifies that he is indeed talking about LAACHRAOUI"<sup>709</sup>.*

#### **10. About Hervé BAYINGANA MUHIRWA**

Mohamed ABRINI states that he met Hervé BAYINGANA MUHIRWA via Ibrahim EL BAKRAOUI, on 15 March 2016 after the intervention in the rue du Dries<sup>710</sup>. Before being taken in charge and sheltered at Hervé BAYINGANA MUHIRWA's home, Mohamed ABRINI says that he would never have heard of Hervé BAYINGANA MUHIRWA<sup>711</sup>.

*« The others went looking for him a few days before 22 March. He had nothing to do with what happened. He just gave me a hand by sheltering me for two days. I would like to make a clarification. He is converted, so if anyone came to him to ask him for a service, he had to do it, since he had to prove himself in his conversion to Islam. He certainly felt obliged to help. He is a kind boy who was working. Unfortunately he has fallen into this story. I hope he will be released soon enough"<sup>712</sup>. But "unlike the woman I live with now [Editor's note: BERRYAN Assia], he knew who I was"<sup>713</sup>.*

Mohamed ABRINI reportedly arrived home wearing a brown wig.

*"I think Hervé was not involved in the cell. It is EL MAKHOUKHI who went looking for him (...) He was working at the Red Cross, he had a normal life and they fucked up his life. I know he was afraid, I left his house because I could see that he was uncomfortable. (...) In reply to your question, I don't think Hervé knew LAACHRAOUI (...) (I saw him for the first time) in his car, a small blue car*

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<sup>708</sup> Police report 13851/19, MOD 9, C4, SF1, 17.

<sup>709</sup> Police report reconstruction Max Roos, MOD11, C2, SF10, 9

<sup>710</sup> His timeline remains unclear, however: in another statement, he indicates (to the investigating judge on 22 November 2018) that it was after the arrest of Salah ABDESLAM that he went to Hervé BAYINGANA MUHIRWA with 'Omar' (alias of Oussama KRAYEM)

<sup>711</sup> Police report 21311/16 (MOD9, C4, SF1, 6)

<sup>712</sup> Police report 42728/16 (MOD 9, C.4, SF1, 9)

<sup>713</sup> Police report 15784/16 (MOD15, C2, SF2, 20)

*We were told to go to the station and there would be a small blue car waiting for us. I remember that he dropped us off at his house and then he went to work*"<sup>714</sup>.

*« Hervé works at night, he has an ordinary daily life, he is ordinary like everyone else and has nothing to do with all this. Unlike the woman I live with now, he knew who I was*" <sup>715</sup>

Mohamed ABRINI estimates that he slept "for a week or even 10 days"<sup>716</sup> at Hervé BAYINGANA MUHIRWA's house "until 20 or 21 March I don't remember"<sup>717</sup>.

Mohamed ABRINI only left his home to return to rue Max Roos.

When asked about the role played by Hervé BAYINGANA MUHIRWA, he states:

*« For me, this guy has no role from the beginning to the end. We went to find him to see if he could do me a favour and shelter me for 48 hours. That's all. After that I don't know if he had any conversations with others, but until I went to his house I had never heard of him. His only role was to shelter me for 48 hours. To approach him, he says, "(the EL BAKRAOUI brothers) probably went through an intermediary person that I am not able to identify. I think that Hervé just wanted to be helpful"*<sup>718</sup>.

Without meaning to, Mohamed ABRINI addresses the role of Bilal EL MAKHOUKHI :

*« As far as I am concerned, Hervé has no involvement in the cell. It was EL MAKHOUKHI who went looking for him*"<sup>719</sup>.

When told of Bilal EL MAKHOUKHI's presence with Hervé BAYINGANA MUHIRWA when they organised to find a place to spend the night, Oussama KRAYEM remarked

*« (It is possible that Hervé asked him for help. But I don't know what happened and what they said. I was not looking for help from EL MAKHOUKHI"*<sup>720</sup>.

Mohamed ABRINI does not believe that Hervé BAYINGANA MUHIRWA knew Najim LAACHRAOUI.

As already mentioned, ABRINI was not consistent in his statements regarding Hervé's nickname. He ended up saying that "*Hervé was called Amine at the beginning. At least me and Krayem called him so. I have not heard anyone else call him so*"<sup>721</sup>.

He adds that he does not know whether the EL BAKRAOUI brothers also call Hervé "Amine".

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<sup>714</sup> Police report 13851/19, MOD9, C4, SF1, 17

<sup>715</sup> Police report 15784/16 (MOD15, C2, SF2, 20)

<sup>716</sup> Police report 15784/16 (MOD15, C2, SF2, 20)

<sup>717</sup> Police report 15784/16 (MOD15, C2, SF2, 20),

<sup>718</sup> Police report 21311/16 (MOD9, C4, SF1, 6)

<sup>719</sup> Police report 13851/19 (MOD9, C4, SF1, 17)

<sup>720</sup> Police report 17683/18 (MOD9, C5, SF1, 16)

<sup>721</sup> Police report 21311/16 (MOD9, C4, SF1, 6)

## **11. About Salah ABDESLAM**

As for Salah ABDESLAM's involvement in the cell, Mohamed ABRINI replied: *"It was his brother who was in Syria, Salah was never there. Salah and his brother were not brothers but friends. Brahim was involved in the deal, quietly, from time to time. It's true that in the evenings he watched a lot of videos of what was going on there. Brahim was shouting on his own in the café, in front of the customers about how scandalous were the things happening there, while here we were smoking joints without doing anything. I say that I knew that Salah wasn't going to blow himself up. I remember having seen him after the Paris attacks, when he came back, he was all white, he wasn't well (...) When Salah arrived at Henri Bergé, Salah wasn't well, he was stressed, pale, he didn't speak much. He was like that for several days"*<sup>722</sup>.

*« Between November 13 and his arrest, yes of course (Salah ABDESLAM) knew what was going to happen, of course, he knew. Of course BELKAID was aware too. Salah had been made aware of it (...) Yes, it was planned that he would take part in the attacks. (...) There was no list of participants for the attacks, everyone's participation was planned. If you are in the safe houses, it means that your participation in the attacks was planned"*<sup>723</sup>.

*« You could tell that Salah followed his brother because he loved his brother. Salah was someone who liked to go out and have fun. It's amazing how much things can change in such a short time"*<sup>724</sup>.

*« When Salah arrived at Henri Bergé, Salah was not well, he was stressed out, pale, he did not speak much. It was like that during several days"*<sup>725</sup>.

*"They took ABDESLAM Salah just like that. Ibrahim EL BAKRAOUI took him just like that. Go do this, do that, look for such and such. He didn't do anything important."*<sup>726</sup> But the next day, he declared *"As for Salah Abdeslam, I saw him at the apartment in the rue Henri Bergé, he arrived there one day after me. (...) yes they were going to wait 8 months before striking to death. For someone who is determined to die I don't think that's long"*<sup>727</sup>.

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<sup>722</sup> Police report 13851/19, MOD9, C4, SF1, 17

<sup>723</sup> Police report 13851/19, MOD9, C4, SF1, 17

<sup>724</sup> Police report 13851/19, MOD9, C4, SF1, 17

<sup>725</sup> Police report 13851/19, MOD9, C4, SF1, 17

<sup>726</sup> Police report interrogation by the investigating judge PANOU of 25 August 2016 (p. 15/19) attached to Police report 38424/16, MOD9, C4, SF1, 7

<sup>727</sup> Police report interrogation by the investigating judge PANOU of 26 August 2016 (p 16/23) attached to Police report 38424/16, MOD9, C4, SF1, 7

*« These people (the ABDESLAM brothers) have never prayed in their lives, they have never been to the mosque and they do not pray and they have wasted a lot of time doing sins such as with women (prostitutes), stealing, the café, poker (which is forbidden because it is a game of chance). If they have spent years doing such things and then they enter the religion, I think that these people want to catch up, they want to be more Muslim than the real Muslims. For some of them their past weighed on their conscience. They see all the sins they committed. And they know that martyrdom wipes out all the sins from the first drop of blood that falls on the ground<sup>728</sup> .*

*"I remember seeing Salah writing letters. But I didn't see what he wrote<sup>729</sup> .*

*« (Salah didn't join us after 15 March) because he didn't know where it was, things weren't said between us. He didn't know where the safehouse was, otherwise he would have come<sup>730</sup> .*

## **12. About Oussama KRAYEM**

Mohamed ABRINI's statements were not consistent as to the first time he met Oussama KRAYEM. The investigation establishes that after the Paris attacks, they met together in the Rue Henri Bergé.

When they were at Hervé BAYINGANA MUHIRWA's house after the discovery of the flat in the rue Dries: *"We were watching television, the news and Salah's arrest. We didn't even talk. We felt that it was the end. I could see it in Krayem's eyes, I knew he wasn't going to do it. We didn't tell each other, but I saw it in his eyes. He told me a little bit about his life, he said that he had known his all his life, he grew up in a climate of war. His father is Syrian and his mother Palestinian. When I talked to him, I sensed that he wasn't going to do it. Not that he doubted the cause. You know there are people who are fighting in Syria and who don't agree with the attacks here. This was a bit his case. The first demonstration, in 2011, resulted in 1600 deaths. This is the village where Krayem went, because it was his family's village<sup>731</sup> .*

To the question of the investigating magistrate, Mohamed ABRINI adds that Oussama KRAYEM voluntarily avoided blowing himself up: *"KRAYEM moved into Hervé's house together with me, after the Brussels attacks. He is called Abou Omar. He was still there when I left. I left because the flat was too small. As he is not from Belgium, he would have had trouble to manage. He's from Sweden. (...) His role was to go with Khalid in the metro. He had to do the same thing. He told me that it didn't work for him, that it didn't explode. His bag was also full of explosives. For me, he had to blow himself up in the same place. (...) "He told me that it didn't work, but I saw in his eyes that he was lying.*

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<sup>728</sup> Police report interrogation by the investigating judge PANOU of 26 August 2016 (p 5/23) attached to Police report 38424/16, MOD9, C4, SF1,7

<sup>729</sup> Police report interrogation by the investigating judge PANOU of 29 August 2016 (p 16/20) attached to Police report 38424/16, MOD9, C4, SF1,7

<sup>730</sup> Police report interrogation by the investigating judge PANOU of 29 August 2016 (p 3/20) attached to Police report 38424/16, MOD9, C4, SF1,7

<sup>731</sup> Police report interrogation by the investigating judge PANOU of 22 November 2018, MOD9, C4, SF1,16

*In fact, in all the bags, there were two cables, if one didn't work, the second one would work. It's impossible for both not to work. He told me that none of them worked, but I saw in his eyes that he was afraid"*<sup>732</sup>.

*"With Krayem I speak in Arabic. My Arabic is a bit tired, but he managed to understand me. I don't know what we were talking about, but it was a normal discussion. We felt that it was close to happen because the plan they had in mind was no longer possible. Then we returned to Max Roos and I saw that the flat had been turned into a bomb. All we had to do was to finish it off. The bags were ready. In reply to your question: when I was in Max Roos, Krayem stayed with me until the end, he left to the avenue des Casernes the day before. He was supposed to go to the metro with Khalid. It was the day before that we were informed that the next day we were going to the airport"*<sup>733</sup>.

### **13. About Sofien AYARI**

*"I know he is Tunisian but I don't know him. I saw him in the safehouses but I didn't know him before. I think he was offered a mission to Europe from there. Krayem is the same, he has only known conflicts. He left for Syria when his grandfather took up arms. In reply to your question: I didn't know if AYARI knew he was coming to Europe for the attacks. But he probably had a mission. (...) He was a member of the cell. He was sent from Syria"*<sup>734</sup>.

Mohamed ABRINI cohabited with Sofien AYARI in the flats at rue Henri Bergé, avenue de l'Exposition, and rue du Dries. It was at the latter address that *"one evening, Salah had an argument with Ayari and Ayari said that he had had enough and wanted to go back to Syria and that he wanted his false papers. Khalid said that this would take time, that he was having trouble finding his contact person"*<sup>735</sup>.

### **14. About the cell members in general**

*« It was BELKAID who was responsible for the safehouse in Forest. The brothers EL BAKRAOUI were responsible for everything and LAACHRAOUI for Max Roos "*<sup>736</sup>.

*« "There were a lot of arguments. People wanted to leave. I think even Ayari and Salah wanted to leave"*<sup>737</sup>.

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<sup>732</sup> Police report 18778/16, MOD9, C4, SF1, 4

<sup>733</sup> Police report interrogation by the investigating judge PANOU of 22 November 2018, MOD9, C4, SF1,16

<sup>734</sup> Police report 013851/19, MOD9, C4, SF1, 17

<sup>735</sup> Police report interrogation by the investigating judge PANOU of 22 November 2018, MOD9, C4, SF1,16

<sup>736</sup> Police report 013851/16, MOD9, C4, SF1,17

<sup>737</sup> Police report interrogation by the investigating judge PANOU of 3 September 2018, attached to Police report 13854/19, MOD 15, C30, SF1, 9D

But in the audio of 14 March 2016 ("Carved001884.wma"<sup>738</sup>), Najim LAACHRAOUI tells Abou Ahmed that *"everything is going well, everyone is determined"*<sup>739</sup>.

*« All those who were convinced knew how it was going to end for them. They weren't talking about a planned attack. They were sur they were going to die"*<sup>740</sup>.

In reply to the question of the investigation judge asking about the people who were to take part in a violent action, he answers *"I tell you LAACHRAOUI, the brothers EL BAKRAOUI, SALAH, KRAYEM, all those who were there. At Max Roos, we had to separate. EL BAKRAOUI looked for another flat. When he found this new flat in Max Roos, he decided to choose me, KRAYEM and LAACHRAOUI, we went to Max Roos, I don't remember exactly when"*<sup>741</sup>.

#### **F - PSYCHIATRIC EXPERTISE**

The psychiatrists Jean-Paul BEINE and Samuel LEISTEDT were appointed by the investigating judges to carry out the psychiatric expertise of Mohamed ABRINI.

In their report of December 2016, the experts conclude<sup>742</sup> that at the time of the acts, Mohamed ABRINI was not in a state of insanity or in a serious state of mental imbalance or mental debility rendering him incapable of controlling his actions.

They consider that Mohamed ABRINI *"constitutes a particular social danger because of his behaving mode "* and presents *"a personality component focused on antisociality"*.

They note that *"he presents a long history of conduct disorder and sociopathic behaviour "*.

#### **G - CHARACTER WITNESSES**

Mohamed ABRINI requested the hearing of several people, including members of his family, as character witnesses:

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<sup>738</sup>Police report 14530/16, (MOD15, C1, SF1, 34), police report 4009/17 (MOD15, SF2 16B), Police report 3089/18 (MOD15, C22, SF1, 16<sup>a</sup>) and Police report 003090/18 (MOD15, C22, SF1, 16b)

<sup>739</sup> Police report 14530/16 (MOD15, CI, SF1, 34)

<sup>740</sup> Police report interrogation by the investigating judge PANOU of 25 August 2016, attached to Police report 38424/16 (MOD 9, C4, SF1, 7)

<sup>741</sup> Police report interrogation by the investigating judge of 22 November 2018, MOD9, C4, SF1, 16

<sup>742</sup> MOD 7, C7, SF4, 5



- Mimounte AZZOUZ<sup>743</sup> is Mohamed ABRINI's mother. She states that Mohamed was living at the parental home and was going to marry Nawal EL KHALLOUKI. He had a good relationship with the family, except with Zakaria, with whom *"it was tense from time to time"*. He did not bring his friends home and spent most of his time outside. He had been in prison for theft. Unmotivated and a bit lazy, he did not finish school and went to several schools. He likes football, video games and the casino. He started praying and going to the mosque when he got out of prison, *"but he didn't have a radical view of religion"*. Mohamed used to wear a khamis to the mosque on Fridays. The rest of the time he dressed normally.
- His father Amar ABRINI<sup>744</sup> immediately condemns his son's action. He indicated that he got on well with his son, whom he described as kind but sometimes irritated. He knows little about his son's school career, but was managing his football activity. He does not know his friends and does not wish to express himself on his son's religious practice. According to his father, Mohamed now regrets. He said that he could not leave any earlier, otherwise he would have been killed.

During another interrogation (carried out on 10 May 2016)<sup>745</sup>, Amar ABRINI explains that as soon as the photos of his son were published after the Paris attacks, Mohamed went into hiding and they did not see him again. Amar ABRINI refuses to talk about the Syrian issue, but specifies that his son did not like Mohamed ZERKANI *"who is currently in prison, was preaching in a mosque in Ransfort (and who) was sending children to Syria, and this, my son was against it."*

He did not notice any radicalization in his son's way of talking or living.

- His younger brother Ibrahim ABRINI<sup>746</sup> explains that he had common activities with Mohamed between the ages of 12 and 15. He describes his brother as interested in easy money and stealing. He liked sports and was very generous, but also very nervous. After the death of their brother Soulaïmane, Mohamed became calmer and started going to the mosque. He practised a *"normal"* Islam. He had been in bad company since he was 15. He knows that he is involved in the attacks and will have to pay. It was his generosity that led him there. He was helpful to his friends, *"he couldn't refuse or say no to people"*.
- His sister Ikram ABRINI<sup>747</sup> paints a similar picture of her brother to the one described by Ibrahim. She says that she had a happy childhood with parents who were present, but that Mohamed was influential and had bad company. She places the beginning of her brother's religious practice shortly before the Paris attacks. Ikram describes her brother as respectful but stubborn.

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<sup>743</sup> Police report 11211/19, MOD9, C8, SF3, 8

<sup>744</sup> Police report 453/19, MOD9, C8, SF3, 1

<sup>745</sup> Police report 20311/16, MOD9, CI, SF1, 15

<sup>746</sup> Police report 1770/19, MOD9, C8, SF3, 3. For the record, Ibrahim ABRINI is charged with participation in a terrorist group in connection with the Paris attacks.

<sup>747</sup> Police report 936/19, MOD9, C8, SF3, 2

- His sister Hinde ABRINI<sup>748</sup> explains that the siblings had a normal childhood. Mohamed did not get on well with Zakaria, who did not like his friends. Mohamed was helpful and protective of his sisters. He had little interest in studies and had problems with the police. He was influential, more a follower than a leader. He began to be seen praying after the death of Sulaiman, with a classical view of religion.

During her interrogation of 12 May 2016<sup>749</sup>, Hinde ABRINI reveals that it was only during one of her recent visits to prison that she learned that Mohamed had been able to see the grave of their younger brother Soulaimane.

And speaking of the Brussels attacks, he told her that he had been tricked by the EL BAKRAOUI brothers and that he was on the run because his face had been spread everywhere. He was in a kind of spiral ... He said he had nothing to do with the Paris attacks. He said he had nothing to do with the Brussels bombings and that he did not want to blow himself up. He said he was shocked by what he saw in Zaventem.

- Zakaria ABRINI, his older brother, refused to make a statement as a character witness. Nevertheless, he was heard in the framework of the investigation<sup>750</sup>. He said he was intrigued by his brother's trip in September 2015 to Turkey, England and France. His questions irritated Mohamed. He did not notice any signs of radicalization, but Mohamed did not talk much with his family. "*His friends were his family*".

Zakaria ABRINI mentions a very big fight that took place between them in 2002, during which Mohamed stabbed his brother in the lower back before running away. Zakaria ABRINI, who refuses to visit his brother in prison, says he has never condoned his way of life and his behaviour.

- Chantal CLAES<sup>751</sup> is a teacher. She explains that she supported Mohamed ABRINI's extracurricular activities when he was about 14 years old. He was good at football but "*not very academic*". At the beginning of her intervention, he was quite demanding for help, but this faded afterwards. She did not have any disciplinary problems with him, but she mentions problems with the school director. She did not see him anymore afterwards. He was a nice kid, but became a bit of a rebellious teenager.

<sup>748</sup> Police report 13853/19, MOD9, C8, SF3, 9A

<sup>749</sup> Police report 20708/16, MOD9, C8, SF3, 21

<sup>750</sup> Police report 20715/16, MOD9, CI, SF1, 22

<sup>751</sup> Police report 16580/19, MOD9, C8, SF3, 10

Her husband, Gérald FIEVET<sup>752</sup>, Mohamed ABRINI's former teacher, describes the accused as a kind, smiling and well-integrated child. The change of the school direction made his behaviour change and he was taken with a dislike. He left school in 4<sup>th</sup> year of primary school

For some time, Mohamed ABRINI came to their home to read comics and then got bored. He told them that his father used to go to prostitutes, which had shocked him.

He was silent, dyslexic, dysorthographic, expressed himself in sports and was appreciated by the other students. He attended Islamic religion classes as part of a family tradition but was not radical.

- Chimae DAGHNOUN<sup>753</sup>, manager of a shop selling traditional clothes and evening dresses in rue Ransfort in Sint-Jans-Molenbeek, says she *"does not know this person at all"*. The name Mohamed ABRINI does not ring a bell.
- Rachid MIYOUNF<sup>754</sup> has known his friend Mohamed ABRINI since he was 13. They were neighbours, grew up together and went to the same schools. They became associates to run the snack "Delinice". At the beginning ABRINI was very much into it, but then he lost interest and contact between them became difficult. He is enjoying life, generous but loves money. He wanted to get married. He played poker and bingo.

Rachid MIYOUNF noticed a change in Mohamed ABRINI's attitude after his release from prison: He didn't go out anymore, he prayed at the snack bar, at his home or at the mosque. He spoke like everyone else about the Syrian conflict and seemed to wish to go there to be sure of the death of his brother Soulaïmane, whose departure he was shocked by. He never said he had been in Syria even though we suspected he had. The snack bar was finally sold in November 2015.

- Liridon SAUHI<sup>755</sup> is the manager of the café "Time Out", located in the Chaussée de Gand in Molenbeek-Saint-Jean. He describes Mohamed ABRINI as a regular visitor of the cafés, playing bingo, aggressive, active in theft, rude and without morality. He used to come to the "Time out" with Ahmed DAHMANI, Salah and Brahim ABDESLAM. He believes that Mohamed ABRINI *"thinks that Catholics are angry with Muslims. And that people like him reject everything that is not Muslim"*. People were afraid of him. *"I even think he was a psychopath"*. He was always with Salah ABDESLAM. He added: *"My feeling is that if he could have, Mohamed would have wiped out everything that is Belgian (...)"*

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<sup>752</sup> Police report 28678/20, MOD9, C8, SF3, 13

<sup>753</sup> Police report 3188/19, MOD9, C8, SF3, 6

<sup>754</sup> Police report 2562/19, MOD9, C8, SF3, 4

<sup>755</sup> Police report 12028/19, MOD9, C8, SF3, 9

*I don't think he was a believer but he just wanted to join the jihadists to make a name for himself.*

- Aziz NAQI UD DIN<sup>756</sup> the manager of the "Brunfaut bookstore" located in Molenbeek-Saint-Jean, and Abdelhafid RGHUI<sup>757</sup> manager of the "Boulangerie Délice" declare that they know Mohamed ABRINI as a client, "*nothing more*".
- Nawal EL KHALLOUKI is the young woman with whom Mohamed ABRINI had a romantic relationship since 2007, and with whom he intended to marry in February 2016. She declared in February 2016 that she had broken up with him<sup>758</sup>.

She was interrogated several times<sup>759</sup>. Her statements varied during the different interrogations.

In her initial statements, she denies any particular attraction on the part of Mohamed ABRINI to religion or to a possible departure to Syria<sup>760</sup>.

She confirms that on the day of the Paris attacks, they went to Jette to sign a lease for a flat they intended to occupy together. But after the Paris attacks, Mohamed ABRINI disappeared.

In her statement of 15 August 2018, Nawal EL KHALLOUKI explains that their relationship has had its ups and downs. When Mohamed ABRINI became more rigorous in religion, the couple had some arguments, then it passed<sup>761</sup>.

She describes Mohamed ABRINI as an influential person.

When he was released from prison in 2015, he was more distant, talked in a more rigorous way about religion, and wants to settle down and build a life with her, which she has believed.

Mohamed ABRINI frequents the ABDESLAM brothers' café in the Rue des Béguines. Nawal EL KHALLOUKI only knows Salah ABDESLAM by sight. Mohamed ABRINI regularly changes his mobile phone: *he was a thief, so I think it was to avoid being spotted by the police. He told me "my number is burnt", "I threw it away", ... he didn't give me much reason"*<sup>762</sup>.

Contrary to what she may have said during the interrogations carried out "*under stress*" in the context of the Paris attacks, she acknowledges that they spoke together about the

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<sup>756</sup>Police report 3360/19, MOD9, C8, SF3, 7

<sup>757</sup>Police report 3025/19, MOD9, C8, SF3, 5

<sup>758</sup>Police report 006602/16, joined to Police report 028445/21 (MOD21, C3, 48)

<sup>759</sup>Police report 33092/15, Police report 6602/16, Police report 20633/16 and Police report 49536/15, joined to Police report 028445/21 (MOD21, C3, 48); Police report 20643/16 (MOD9, CI, SF1, 16); Police report 17525/18, joined to Police report 22956/18 (MOD15, C26, SF1, 13); Police report 09227/18, MOD9, C3, SF2, 10

<sup>760</sup>Police report 20643/16, MOD9, CI, SF1, 16

<sup>761</sup>Police report 17525/18 attached to Police report 22956/18 (MOD15, C26, SF1, 13)

<sup>762</sup>Police report 17525/18 joined to Police report 22956/18, MOD15, C26, SF1, 13

death of his brother in Syria. *"He said it was good. We had some arguments about this. He told me "this is jihad""*<sup>763</sup>.

According to Nawal EL KHALLOUKI, the entire ABRINI family was interested in the conflict in Syria. They were watching videos. For example ABBRINI's mother posted 'trash' videos on her profile.

Nawal EL KHALLOUKI pretends that she did not know that Mohamed had been in Syria: *"He came back with photos from London and said he had been there. We never really talked about it, it was as if it was taboo. (...) He always told me that he wanted to go and see his brother's grave. He didn't tell me about it. I don't think he went"*<sup>764</sup>.

Confronted with messages from her mobile phone which reveal that she was indeed informed of this departure by Ikram ABRINI on 24 June 2016, she states that she did not want to believe this without proof, which is the reason why she did not inform the police. *"Her brother Ibrahim went to get a card and a SAMSUNG mobile phone to try to reach Mohamed. We all kept this mobile phone. It's a small smartphone, through which it was possible to connect with the internet. Ibrahim said that Mohamed had gone to Syria. His parents did not want to believe him. For Ibrahim, Soulaïmane was a hero"*<sup>765</sup>.

When Mohamed returns, he refuses to talk about it. After his return, she sees her fiancé less often, except when he needed help when he had financial issues. At that time, he often goes to pray in mosques. Mohamed ABRINI tries to reassure Nawal EL KHALLOUKI about their marriage, but at the same time asks her to read the Koran and to wear the veil.

She kept in touch with him when he was arrested, but she had a *"very bad time after he was arrested"*<sup>766</sup>. She wanted explanations, but did not receive any: *"I asked him to explain. He just told me that what had been done was done. And he changed the conversation"*<sup>767</sup>. She finally gave up visiting him in prison and broke off all contact with him in August 2007<sup>768</sup>.

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<sup>763</sup> Police report 17525/18 attached to Police report 22956/18, MOD15, C26, SF1.13

<sup>764</sup> Police report 17525/18 attached to Police report 22956/18, MOD15, C26, SF1.13

<sup>765</sup> Police report 17525/18 attached to Police report 22956/18, MOD15, C26, SF1, 13

<sup>766</sup> Police report 09227/18, MOD9, C3, SF2, 10

<sup>767</sup> Police report 09227/18, MOD 9, C3, SF2, 10

<sup>768</sup> Police report 09227/18, MOD 9, C3, SF2, 10

### **CHAPTER III: SOFIEN AYARI**

**alias "Abou Hamza" alias "Monir ALHAJ AHMED" alias "Amine CHOUKRI"**

#### **A -PROCEDURE**

On 25 May 2018, the Federal Prosecutor's Office issued additional orders for the investigating judges to investigate the role of Sofien AYARI in the Brussels attacks<sup>769</sup>.

He was heard by the investigating judge on 31 May 2018 and charged with participation in the activities of a terrorist group, the other charges being "reserved".

He was subject of requisitions for referral to the assize court on charges of murders, attempted murders and participation in the activities of a terrorist group.

In its judgement of 17 September 2021, the Brussels Court of Appeal, Indictments Division, after having found that there were sufficient and serious charges against Sofien AYARI, referred this accused to the Assize Court of the Brussels-Capital administrative district on the charge of murders, attempted murders and participation in the activities of a terrorist group.

His referral to the assize court concerns both the acts committed in Zaventem and Maelbeek. With regard to 22 March 2016, the terrorists' objective was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek, so that the different targets must be analysed as a single scene of attacks.

Consequently, Sofien AYARI is, like each of the accused, co-author of all the attacks committed on that date, without distinction of the target assigned to each of them.

#### **B - BIOGRAPHY**

Sofien AYARI is Tunisian. He comes from a family of 4 children, originally from the city of Tunis<sup>770</sup>.

According to the information published on his Facebook account, he studied at the university "Jerba Midoun", but to the psychiatrists in charge of examining him following the attempted assassination of the police officers who intervened at rue Dries, he declared that he had obtained a baccalaureate in technical secondary education.<sup>771</sup>

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<sup>769</sup> MOD14, CI, SF5, 1

<sup>770</sup> Police report 18099/16, MOD 14, C31, SF3, 54 and Police report 15682/19, MOD9, C7, SF6, 10

<sup>771</sup> MOD14, C2, SF3,19

He then continued studying power generation for one and a half years.

His father is an accountant in Tunisia, his mother a housewife.

He speaks French and Arabic<sup>772</sup>.

In 2013, his family noticed that he was changing: according to his brother Hamza, he was praying with assiduity, no longer sitting with the local youth and no longer going to cafes as he used to. He changed his mosque, was wearing a khamis and grew a beard. His family reportedly objected to this change.

In order to leave for Turkey, Sofien AYARI would have asked his father to intervene with the authorities to certify that his trip had a commercial purpose. He agreed to his son's request, thinking that he would return to Tunisia afterwards.

On 4 July 2014, Sofien AYARI wrote on Facebook *"I say that this is a time of shame and humiliation unless the Ummah of Islam gets rid of the sins. We have to realize that if we do not return to the right path of God and respect our prayers, our conditions will always be bad"*<sup>773</sup>.

On 13 July 2014, Sofien AYARI published on his Facebook account a long text talking about loneliness, his regrets, and the sometimes difficult life. He expresses his wish to go back in time to correct certain things. He says that if this life is difficult, perhaps the life hereafter is better.

On 6 December 2014<sup>774</sup>, he left Tunisia to go to Istanbul<sup>775</sup>. Two months later, he called his mother to tell her that he was in Syria<sup>776</sup>.

In the hearing, he said that he left Tunisia because he saw Muslims dying all over the world<sup>777</sup>.

The consultation of Sofien AYARI's Facebook profile<sup>778</sup> does not allow to know to which place in Syria went Sofien AYARI. The majority of the publications on his account do not propagate radical ideas<sup>779</sup>.

However, a photograph published on 11 June 2015 attracts attention: it shows Sofien AYARI, dressed in a khamis, standing in a parc, with a weapon of war lying on the ground not far from his feet<sup>780</sup>.

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<sup>772</sup> Police report 29167/19, MOD16, C3, SF1,17

<sup>773</sup> Police report 20345/16, MOD 15, C31, SF3, 53.

<sup>774</sup> While the Caliphate was already established in Syria by the end of June 2014

<sup>775</sup> Hearing of 16 July 2017 by the investigating judge HERBAUT in France, from "B-PARIS", C41.1, SF1,13)

<sup>776</sup> Police report 001194/17, attached to Police report 15682/19 (MOD9, C7, SF6,10)

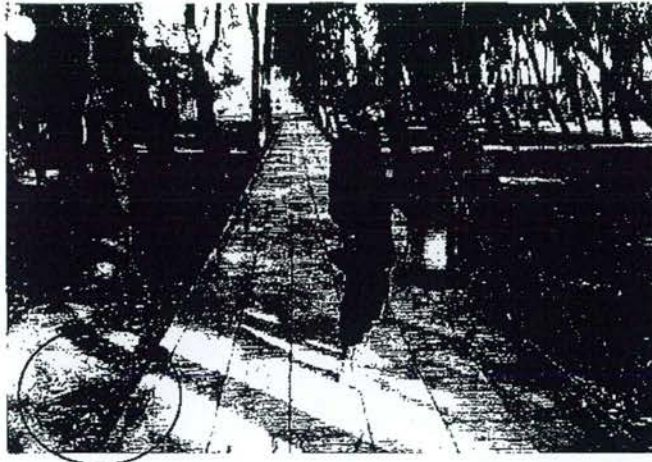
<sup>777</sup> Police report interrogation by the investigating judge on 13 September 2016 (carried out in the file relating to the shooting at the Rue du Dries), MOD14, C3, F2, SF3, 15

<sup>778</sup> Police report 20345/16 (MOD15, C31, SF3, 53) and Police report 18099/16 (MOD15, C31, SF3, 54)

<sup>779</sup> Police report 20345/16, MOD15, C31, SF3, 53

<sup>780</sup> Police report 18099/16, MOD15, C31, SF3, 54





In his Facebook profile photo posted on 21 July 2015 Sofien AYARI is also wearing a khamis, a fanny pack and a sleeveless waistcoat with several pockets. This type of clothing and accessories suggest that he is fighting.

According to his brother Hamza and his sister Bouthaina, he went to Syria to fight and joined the ranks of an organisation fighting against the Syrian regime<sup>781</sup>. Sofien AYARI confirms this himself.

Police intelligence<sup>782</sup> reports that Sofien AYARI travelled to Syria to fight in the ranks of the Islamic State terrorist group and that he was able to choose between training as an artilleryman or an infantryman<sup>783</sup>.

They would have given him the mission to return to Europe by slipping into the stream of migrants, with a view to participating in terrorist actions<sup>784</sup>.

He would have confided " *about his failed desire to die as a martyr*". He would have claimed that " *what awaits Europe is worse than anything that has ever happened, including the attack on the World Trade Center on 11 September 2001*"<sup>785</sup>. Sofien AYARI would have regretted fleeing the flat in the rue du Dries, because he would have *liked to die as a martyr by killing some misbelievers*"<sup>786</sup>.

Sofien AYARI denies these elements from information gathered by the police.

Sofien AYARI also appears to have been seriously injured in Syria: the police noted that when he was arrested on 18 March 2016, he bore a large scar running in a complete line from left to right across his neck, as well as a scar on his left cheek<sup>787</sup>. When questioned by the investigating judge as to their origin, he asserted his right to silence<sup>788</sup>.

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<sup>781</sup> Police report 001194/17, attached to Police report 15682/19, MOD9, C7, SF6, 10

<sup>782</sup> Police report 20916/16, MOD 14, C2, SF1, 61

<sup>783</sup> Sofien AYARI denies this element, but Oussama KRAYEM declares in one of his hearings that Sofien AYARI was indeed a fighter of the Islamic State.

<sup>784</sup> Police report 20916/16, MOD 14, C2, SF1, 61

<sup>785</sup> Police report 18099/16 (MOD15, C31, SF3, 54) and Police report 20916/16 (MOD14, C2, SF1, 61)

<sup>786</sup> Police report 20916/16, MOD14, C2, SF1, 61

<sup>787</sup> Police report 18099/16, MOD15, C31, SF3, 54

<sup>788</sup> Police report interrogation by the investigating judge PANOU on 12 December 2018, MOD14, C3, F2, SF3, 17.

According to the description given of him at the end of the investigation, he also has a 30 cm scar on his stomach, a bayonet wound on his left leg<sup>789</sup> and a burn on his face (left jaw)<sup>790</sup>.

He left Syria in mid-September 2015, accompanied by Oussama KRAYEM and ALKHALD. Research on ALKHALD's Facebook account shows that they already knew each other when they were in Turkey<sup>791</sup>. The three of them arrived in Greece and then in Ulm (Germany), where they stayed in the same hotel during the night of 2 to 3 October 2015. It is Sofien AYARI who, in Ulm, calls Salah ABDESLAM. According to Oussama KRAYEM, *"Abou Ahmed contacted someone who came to pick us up in a night car, the man who came to pick us up is the man you arrested three weeks ago (...) It is Salah"*<sup>792</sup>.

When asked who he was travelling with, Oussama KRAYEM replied that he was travelling with someone from his group in Syria: *"I followed the route of other refugees, one of whom was in my group in Syria and was part of the Islamic State. Together we went to Germany in Ulm. The boy who accompanied me used the kounya "Abou Ahmed". All along the way, Abou Ahmed had telephone contacts, I followed him. I cannot tell you on the basis of which identity document Abou Ahmed was travelling"*<sup>793</sup>.

All indications are that Sofien AYARI, like Oussama KRAYEM and Ahmad ALKHALD, was part of the Liwa As Saddik and was chosen in this capacity to come and help with the planned attack in Syria<sup>794</sup>.

On some photos, Sofien AYARI is wearing the uniform reserved for its members<sup>795</sup>:

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<sup>789</sup> Consequence of his arrest on 18 March 2016

<sup>790</sup> Police report 29167/19, MOD16, C3, SF1,17

<sup>791</sup> AYARI hearing conducted by the investigating judge Herbaut in Paris on 16 July 2019 (D41768), page 12. It was on 17 September 2015 (when they crossed the Syrian-Turkish border) that ALKHAKD created the Facebook account "Ahmb Bhr" on which a certain Ahmed Yassin, a Tunisian and friend of Sofien AYARI, questioned ALKHALD: "Sofien connected? It was also on 17 September that Oussama KRAYEM's "Ozz Ozz" account was created. Oussama KRAYEM logged into his FB account with the same device that was used to access the "Ahmb Bhr" account. In addition, the investigation revealed the reservation of the ferry crossing to Athens made in the name of 3 persons: ALKHALD, KRAYEM and AYARI. (Police report interrogation by the investigating judge PANOU on 12 December 2018, MOD14, C3, F2, SF3,17).

<sup>792</sup> Police report 15773/16, MOD9, C5, SF1, 1

<sup>793</sup> Police report 15773/16, MOD9, C5, SF1, 1.

<sup>794</sup> Cfr. Supra, the description of the tasks entrusted to COPEX and Liwa As Saddiq

<sup>795</sup> MOD19, C2, part 21 and Police report DGS1 2019/75/15 (Police report 018675/21, MOD21, C2, 31



On 25 October 2015, the Tunisian authorities issued an arrest warrant for Sofien AYARI for his departure to Syria and for his involvement in two terrorist operations (one in Tunisia and the other probably in Black Africa)<sup>798</sup> , without it being possible to obtain more information from the Tunisian authorities.

But at the time of his arrest in Belgium, the Tunisian press published an article explaining that Sofien AYARI is "*one of the most dangerous terrorists*" and "*is involved in several terrorist attacks*". According to the newspaper Attounissia, he is in contact with Walid AL YOUSOUFI, one of the masterminds of the terrorist attack against a bus of the Presidential Guard, perpetrated on 24 November 2015, in TUNIS<sup>799</sup> .

He has no ties to Belgium.

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<sup>798</sup> AYARI claims to be unaware of a possible arrest warrant (Police report 1194/17 attached to Police report 15682/19, MOD9, C7, SF6,10)

<sup>799</sup> Police report 18099/16, MOD 14, C31, SF3, 54

### **C - FOR THE RECORD<sup>800</sup> : HIS INVOLVEMENT IN THE PARIS ATTACKS**

Sofien AYARI left Syria via Turkey and Greece. His passage is attested at the island of Leros among the migrants on 20 September 2015. He is at that time in the company of Oussama KRAYEM and Ahmad ALKHALD.

He himself travels with false identity papers made by affixing his photograph to Syrian documents written in the name of Monir ALHAJ AHMED. The same photograph is also used to make a Belgian identity card in the name of Amine CHOUKRI (see above and below).

He wears the *kunya* of "Abou Hamza", but Oussama KRAYEM calls him "Abou Ahmed", an identity under which he claims to have known him "*in Greece*"<sup>801</sup>.

On 2 October 2015, he shared a room with Oussama KRAYEM at the IBIS hotel in Ulm (Germany), while ALKHALD slept alone in another room<sup>802</sup>.

The next day, Salah ABDESLAM went to Ulm and took Sofien AYARI, Oussama KRAYEM and Ahmed ALKALD to Belgium<sup>803</sup>.

He is dropped off in Auvelais with Oussama KRAYEM, later joined by ALKALD. These three so-called "*migrants*" return to Schaerbeek in the rue Henri Bergé for 3 weeks. This is where the explosive belts are made.

Traces of Sofien AYARI's passage were found in Rue Radache 115 in Auvelais (fingerprint on a coffee table), in Rue du Fort 29 in Charleroi (a DNA trace on a piece of cardboard) and in Rue Henri Bergé 86 (a DNA trace on a T-shirt).

It was from this flat in Rue Henri Bergé that Sofien AYARI and Oussama KRAYEM went to Schiphol on 13 November 2015, with their false papers. The next day, the two men returned to Belgium to reach the safehouse in rue Henri Bergé, where the door was opened by Mohamed ABRINI<sup>804</sup>.

In the computer found by Max Roos, there was a folder called '13 November' containing the subfolders '*Omar Group*', '*French Group*', '*Iraqi Group*', '*Schiphol Group*' and '*Metro Group*'.

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<sup>800</sup> It should be recalled that the acts committed in the context of the Paris attacks are cited in this file for information purposes only. These acts took place before the period of the offence in our case. It seemed important to us to mention for each of the accused the elements which allow us to know their state of mind and their previous career at the time when the offence period of the present file begins. The accused is only being prosecuted in Belgium for the acts committed in the context of this case.

<sup>801</sup> Police report 16641/16, attached to Police report 42092/16, MOD9, C5, SF1, 9

<sup>802</sup> Police report 11998/16, from "B-PARIS" (C137, SF1, 48)

<sup>803</sup> Police report 13904/16, MOD14, C14, SF3, 33

<sup>804</sup> Police report interrogation of Oussama KRAYEM by the investigating judge HERBAUT in France of 20 June 2019 (D41534), page 24. From "B-PARIS", C41.1, SF1, 8

The tree structure of the files largely corresponds to the way in which the Paris attacks of 13 November 2015 were carried out.

In this same computer, a text file entitled "Hamza" was opened on 12 November 2015 at 21:18 after an external medium was connected.

Sofien AYARI denies any involvement in the attacks of 13 November 2015, despite the mention of a "Schiphol group" in the computer used by the organizers of the Paris and Brussels attacks.

He claims to be unaware of the planned attack at Schiphol.

#### **D - HIS INVOLVEMENT IN THE BRUSSELS ATTACKS**

Sofien AYARI's involvement in the Brussels attacks can be summarized as follows:

##### **1. His presence and role in the different safehouses**

Sofien AYARI, returning from Schiphol, goes to rue Henri Bergé and meets the coordinators and survivors of the Paris attacks.

As police pressure increased, the premises were abandoned around 15 or 16 November 2015<sup>805</sup>. Several occupants, including Sofien AYARI, found themselves in the apartment which the group still had on Avenue de l'Exposition in Jette<sup>806</sup>, while the EL BALRAOUI brothers took refuge in Avenue des Casernes, and Najim LAACHRAOUI stayed in the city centre at the Barry Hotel.

His passage is attested to by the discovery of his DNA on site.

##### **a) In the flat in rue du Dries in Forest**

At the beginning of December 2015, once the flat in the Rue du Dries had been rented, Sofien AYARI, Oussama KRAYEM and Mohamed BELKAID went to stay there. They were later joined by Mohamed ABRINI, Salah ABDELSAM and Najim LAACHRAOUI.

Although they were numerous in these cramped quarters, they are particularly discrete: the building's inhabitants believe that only 'two boys', 'speaking French', live on the first floor<sup>807</sup>.

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<sup>805</sup> Date determined by the question asked by the investigating judge PANOU, Police report interrogation of 4 November 2016 (p 15/27), attached TO Police report 47688/16 (MOD9, C5, SF1,10)

<sup>806</sup> Sofien AYARI's DNA was found on a pair of shorts (Police report 0026814/16 of "B-PARIS", C148, SF1, 28),

<sup>807</sup> Police report 14676/16, MOD 14, C2, SF 1, 36



Asmae RABHI, a tenant on the ground floor, formally recognises Mohamed BELKAID as one of the occupants of the first floor: *"He rarely went out, I only met him twice. Each time, he wore a kind of fabric beret"*<sup>808</sup>. She never spoke to him.

After looking at the other photographs in the panel submitted to her, she says she does not recognise anyone else.

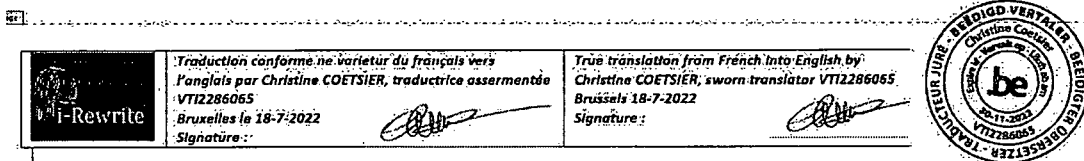
Then she says:

*"There was another occupant in the flat but I don't see him in your photos. It was this second occupant who always did the shopping (every week). He never went out for more than half an hour. So I concluded that he went shopping nearby and I suppose at the Aldi in chaussée de Neerstalle. She describes him: "He is of a slim build and not older than 30 years. He is over 1.80 metres tall. He was wearing light-rimmed glasses (...) Always moves very fast and is very noisy. I stopped him to ask him to make less noise. That's how I can tell you that he doesn't speak proper French. They were always in the house but they didn't open the door when someone knocked"*<sup>809</sup>.

On 15 March 2016 (the day of the shooting in the rue du Dries and the flight of two of the protagonists), Sofien AYARI was not yet known to the investigators, so his photograph could not be included in the panel presented<sup>810</sup>. However, the discovery of various purchase receipts in the flat on Rue du Dries makes it possible to identify Sofien AYARI as the *"second occupant"* described by Asmae RABHI. The investigators were able to find images of a purchase of medicines made on 7 March 2016 in the pharmacy near the Place Saint-Denis<sup>811</sup>. A young man wearing a cap and glasses can be seen. He is *"rather calm, quiet and very discrete"* says the pharmacist<sup>812</sup>. The customer enters with a brown trolley and pays for the medicines in cash.

According to the receipt, the medicines purchased are ordinary medicines for sore throats and inflammations of the nasal mucosa<sup>813</sup>:

The buyer is Sofien AYARI. In addition, the pair of glasses that he wears to hide his face was seized in the flat: the DNA of Sofien AYARI and Mohamed BELKAID<sup>814</sup> was found on it, while the DNA of Sofien AYARI was found on the black cap, which has also been found in the apartment.



<sup>808</sup> Police report 13688/16 MOD 14, C2, SF1, 35.

<sup>809</sup> Police report 13688/16 MOD 14, C2, SF1, 35.

<sup>810</sup> However, the photo of Khalid EL BAKRAOUI, who officially rents the flat, is not recognised

<sup>811</sup> Police report 14159/16, MOD14, C2, SF1, 48

<sup>812</sup> Police report 14123/16, MOD14, C2, SF1, 49

<sup>813</sup> a box of Sinutab Forte 500 mg tablets, a tube of Vitapantol nasal ointment and a bottle of Hextril 200 ml on which Salah ABDELSAM and BELKAID left their DNA (Police report 26879/16, MOD14, C2, SF1, 44)

<sup>814</sup> Police report 26879/16 (MOD 14, C2, SF1, pee 44) and DEFORCE Report No 16/4447 (MOD14, C4, SF2, 1)



Unknown to the police, Sofien AYARI is able to use public transport without fear, and it is his fingerprints that were found on one of the two STIB 'JUMP' tickets seized at the address<sup>813</sup>.

Rachid SALHI, Asmae RABHI's husband, confirms the presence of Mohamed BELKAID: "I saw him once one evening, he was carrying a fridge" which the other occupant was helping to move<sup>814</sup>. He further specifies:

"I never saw a woman. We thought that the two occupants were married to each other" and that he "had noticed that they had never written their names, neither on the doorbell nor on the letterbox".<sup>815</sup>

Rachid SALHI confirms his wife's statements: "I never saw anyone come to visit them. And as I told you, when someone rang the bell at their house {water worker, Belgacom, etc. }, they didn't open the door".<sup>816</sup>

This description corresponds to that given by Asmae RABHI, Rachid SALHI's wife. She qualifies it by adding that there was just one Saturday when they had a party with 4 people whose voices she heard<sup>817</sup>.

Sofien AYARI's fingerprints and/or DNA were found on various objects and clothing seized from the flat in the rue Dries<sup>818</sup>.

#### b) In the flat in rue Max Roos in Schaerbeek ?

Sofien AYARI's fingerprints are not found in rue Max Roos. Sofien AYARI denies having been in this hideout. Nobody mentions his presence in this place.

However, his DNA was found on the zipper of a Nike backpack left in the kitchen of the flat in rue Max Roos. The profile identified by the experts is a 'simple' profile, which means that no other person has deposited his/her DNA on the zipper.<sup>819</sup>

<sup>813</sup> PV 14551/16 and PV 29973/16 (MOD 14, CS, SF1, exhibit 18)

<sup>814</sup> PV 13688/16 MOD 14, C2, SF 1, 35

<sup>815</sup> PV 14676/16, MOD 14, C2, SF 1, 36

<sup>816</sup> PV 14676/16, MOD 14, C2, SF 1, 36

<sup>817</sup> PV 14676/16, MOD 14, C2, SF 1, 36

<sup>818</sup> These include a bottle of water, a chocolate packaging, an envelope, a STIB ticket, Arabic books and Korans.

<sup>819</sup> PV 29251/16 (MOD7, C3, SF3, 10) and PV 19580/19 (MOD15, C30, SF1, 9A)

"Ik zweer dat ik mijn opdracht in eer en geweten, nauwgezet en eerlijk heb vervuld."

"I swear that I have fulfilled my task honourably, conscientiously and honestly."

« Je jure avoir rempli ma mission en honneur et conscience, avec exactitude et probité »

ARNOUT Peter, beëdigd vertaler, VTI 196 9894





## 2. His use of telephone communication

It would seem that Sofien AYARI did not make use of mobile phones in the usual way.

However, the phone bearing the SIM card "32488098427"<sup>820</sup>, left behind in the hall of the flat located in Rue de l'Eau, may well belong to Sofien AYARI.

This telephone could have enabled Sofien AYARI and Salah ABDESLAM to join the rest of the cell at the time of their attempted fleeing from their hideouts. It connected the occupants of Rue du Dries to those of Rue Max Roos.

The (four) call attempts by Ibrahim EL BAKRAOUI<sup>821</sup> and the text message "Hamza?"<sup>822</sup> are all attempts to get in touch with the fugitives on 16 March 2016 in order to find them and get them to return to a safe place.

It was obviously an attempt to get in touch with Sofien AYARI, who bears the kunya of "Abou Hamza"

## 3. His role within the cell

As Osama KRAYEM states in his statement of 7 March 2019: "*the EL BAKRAOUI brothers wanted to trace them in order to take them to Max Roos*"<sup>823</sup>.

Indeed, it seems that Sofien AYARI benefited from the trust of the group, and more particularly that of Khalid EL BAKRAOUI who considers him a close friend. La personne de Sofien AYARI apparait comme centrale dans le rêve que Khalid EL BAKRAOUI décrit dans un texte retrouvé dans l'ordinateur de la rue Max Roos<sup>824</sup>.

The importance of Sofien AYARI within the cell also appears from some recordings found in the PC in rue Max Roos.

His background as an Islamic State fighter and his knowledge of weapons are necessary to achieve the cell's goals:

The document entitled '*Manuscript of Abu Omar, Hamza and Abdelaziz*' bears witness to his intentions and illustrates the purpose of his presence in Belgium. This letter written in Arabic<sup>825</sup> clearly conveys the questions of Osama KRAYEM, Sofien AYARI and Mohamed BELKAID, when they ask whether they will be leaving together or some sooner than others:

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<sup>820</sup> Police record (PV) 011868/16, originating from « B-PARIS », C93, SF1, 52

<sup>821</sup> Originating from the number « 32487357105 » (cf. above)

<sup>822</sup> PV 13891/16, MOD6, C3, SF3, 18

<sup>823</sup> PV 8605/19, MOD9, CS, SF1, 19

<sup>824</sup> As a reminder, Khalid EL BAKRAOUI explains that he was accompanied there by 'Hamza' and 'Souleymane' (AYARI and Ibrahim) and describes an operation in which they are armed and equipped with explosive belts. They were holding hostages when Khalid EL BAKRAOUI activated his belt, killing two soldiers, while his head ended up in the hands of 'Sheik Adnani' and 'Abu Ahmed'

<sup>825</sup> The translation is annexed to the hearing of KRAYEM (PV 21986/18, MOD 9, CS, SF1, 17), who says he is not aware of this text, even though he recognises that Abu Omar is indeed him.

*"I and my brothers send you our greetings, we are doing very well, God be praised. We beseech God to accept and bless our works and make them a deliverance for the believers and make them a punishment, humiliation and sorrow for the infidels, the polytheists and their allies, hypocrites and apostates, among us. We are not unaware of the unhealthy alliance of the enemy who bomb us, kill us and crush the Muslims in our country. We implore our Lord to be elected as His soldiers who will triumph and avenge the religion, our blood and our honour. As for the work, we wanted to know how and in what way to organize ourselves with the will of Allah, will we go out together or will there be those who will go out earlier and others later. And we are not complaining about anything except our desire to see our brothers and our dear country, we implore God to preserve and protect it".*

As reported by the Dabiq magazine<sup>826</sup>, Mohamed BELKAID is accompanied by a team of which Sofien AYARI is a member:

*« While he was in Belgium finalising preparations for the raid in Brussels, the faithless police raided his flat. Although he had the opportunity to escape with his team, he decided to sacrifice himself to ensure the escape of his brothers (...) »<sup>827</sup>,*

When, in "an audiovisual communication"<sup>828</sup>, Abou Souleymane (alias of Ibrahim EL BAKRAOUI) gives a description to "Abou Ahmed" (alias of Oussama ATAR) of the raid in the rue du Dries conducted by the police, he explicitly quotes "Abou Hamza" (alias of Sofien AYARI). At one point, "Abou Ikrima" (i.e. LAACHRAOUI) intervenes and addresses "Abou Souleymane" :

- Ikrima : *« And explain to them, tell them, Salah and all others, that I don't know what took them... »*
- Souleymane: *Yeah yeah, the brothers who were in the flat in Forest. Their reaction afterwards: it's Allah who knows best... We don't know why they came out, they abandoned their weapons.*  
*Finally, Abu Hamza already had a Kalash with six magazines and it was only Abdelaziz who ended up with them... And they knew that from that location, they had no way of communicating with us, they had ... so um... in short, it's Allah's destiny, it's Allah's destiny ... But we don't understand. And we've seen a couple of things in the press today too, so we don't really understand what's going on... »<sup>829</sup>*

<sup>826</sup> PV 001246/17 (MOD15, C15, SFI, 16)

<sup>827</sup> PV 001246/17 (MOD 15, C15, SFI, 16)

<sup>828</sup> Found on the pc in rue Max Roos

<sup>829</sup> PV 14530/16, MOD15, CI, SFI, 34

#### **4. Usage of the computers by par Sofien AYARI**

Sofien AYARI was able to use the PC found in rue du Dries <sup>830</sup>: « *Everyone used it. It was a computer for everyone's use* »<sup>831</sup>.

The SAMSUNG Tab 3 Lite tablet found in the rue du Dries flat (see above) was also used by Sofien AYARI, notably on 5 March 2016, when he accessed the Facebook accounts "hamza AYARI" and "ayari Tunisia" of his brother Hamza<sup>832</sup>.

Sofien AYARI is, just like the other occupants, involved in the use of this tablet between 6 February 2016 and 15 March 2016, in order to watch some videos<sup>833</sup>, and to consult a number of news sites (OH.be, Lemonde.fr but also Al Jazeera and other sites in Arabic) or the Koran.

#### **5. Manipulation of the weapons by Sofien AYARI**

Just like the others, Sofien AYARI manipulates the weapons found in the rue du Dries flat: his DNA<sup>834</sup> is found on one of the two Kalashnikov-type magazines with 30 rounds of ammunition.

Sofien AYARI's DNA was also found on the trigger, on the fire selector (semi-auto, full-auto safety), on the pistol grip and on the handguard of the Kalashnikov abandoned in Rue de l'Eau during his escape on 15 March 2016.

This weapon had the firing selector in the "shot by shot" position and had chambered ammunition while its magazine still contained 21 rounds<sup>835</sup>.

A fingerprint matching AYARI's left middle finger was also found on a package of Masterblaster brand 'Bright Night' fireworks<sup>836</sup>.

In the opinion of the SEDEE service, the pyrotechnic powder contained in these fireworks may have been recovered in order to manufacture an explosive device<sup>837</sup>.

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<sup>830</sup> Interrogation Report IJ PANOU, MOD14, C3, F2, SF3, 2

<sup>831</sup> Interrogation Report IJ PANOU, MOD14, C3, F2, SF3, 2

<sup>832</sup> PV 12083/16 MOD 14, C8, SF2, 12

<sup>833</sup> The videos deal mainly with subjects relating to the Islamic religion (preaching, reminders) but there are also various reportages or other features, one of which is dedicated to the Paris attacks.

<sup>834</sup> PV 15571/18, MOD14, C4, SF2, 6

<sup>835</sup> It should be noted that a Kalashnikov magazine can contain up to 30 cartridges: there were 21 left, there was one in the chamber of the weapon, and it is known (cf. above) that this weapon fired 8 times during the exchange of fire (cf. the findings of the ballistics expert)

<sup>836</sup> PV 013866/16, MOD 14, CS, SF1, 12

<sup>837</sup> the total quantity of powder contained in these fireworks was 88 grams (PV 25260/16, MOD14, C8, SF2, 15).

## **6. The existence of several plans for violent actions set up by the group prior to 15 March 2016**

When Sofien AYARI and Salah ABDESLAM managed to escape the police forces on 15 March 2016, the Brussels cell was already busy planning new attacks.

From the flat in the rue du Dries, the cell plans new actions. It has weapons and is still looking for more. It already possesses the equipment necessary to carry out violent acts and is still buying new equipment. It imposes physical exercise<sup>838</sup> on its members and keeps them motivated..

And starting from the beginning of March, it was actively engaged in the manufacture of TATP.

Since, as Mohamed ABRINI says, "all those who were there "<sup>839</sup>were to take part in the planned attacks, whatever their nature, Sofien AYARI and Salah ABDESLAM must have been involved in these plans. The execution of these plans began prior to the shooting in the Rue du Dries.

Although he claims that he did not participate in the attacks of 22 March 2016 on the grounds that he was detained, Sofien AYARI, like Salah ABDESLAM, actively participated in their realization. Their physical absence at the time of the attacks is the result of their arrest, but the campaign to which they contributed was launched well before 15 March 2016.

Several clues<sup>840</sup> contribute to the certainty that the cell, and all of its members, were determined to commit a new action after the Paris attacks.

The fact that Sofien AYARI and Salah ABDESLAM were unaware of the final nature of the attacks does not mean that they share no responsibility for the violent actions that took place on 22 March 2016<sup>841</sup>.

## **7. The fleeing and arrest of Sofien AYARI**

After being arrested together with Salah ABDESLAM on 18 March 2016, at the end of a 3-day hunt<sup>842</sup>, under the false identity of Monir ALHAJ AHMED, Sofian AYARI was placed under arrest warrant in connection with the Paris attacks.

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<sup>838</sup> Cf. elliptical bikes purchased on 12 March 2016 and brought to Rue du Dries on the following day.

<sup>839</sup> Interrogation report by IJ of 22 November 2018 (MOD 9, C4, SF1, 16)

<sup>840</sup> For example, the audio file 'carved001884' recorded between 13 and 15 March 2016, the questions conveyed in the 'manuscript of Abu Omar, Hamza and Abdelaziz', the 'studies' collected on the computer in Rue Max Roos, the projects referred to in the computer in Rue du Dries, the numerous weapons collected in the Rue du Dries and the Rue Max Roos, the Christmas garland found there, next to the fireworks and the telescopic sight, the wills they drafted, the searches on the PC in the Rue du Dries for "wills prior to suicide attacks", etc.

<sup>841</sup> This was the reasoning of the Indictment Chamber in its decision to refer Sofien AYARI and Salah ABDESLAM to the Assize Court on charges of murder in a terrorist context and attempted murder in a terrorist context

<sup>842</sup> PV 12489/16, MOD14, C2, SF1, 58

He reveals his true identity but exercises his right to remain silent <sup>843</sup>.

Sofien AYARI does not reveal anything about the intentions of the group, nor about the reasons that pushed him to come to Brussels and to remain hidden there together with Salah ABDESLAM and Mohamed BELKAID<sup>844</sup>.

None of them prevents the attacks from taking place.

#### **E - THE STATEMENTS MADE BY SOFIEN AYARI**

As already mentioned, Sofien AYARI, apprehended under the false name of Monir ALHAJ AHMED, agreed to declare his true identity during his first hearing. He states that he is of Tunisian nationality and that he is residing here illegally.

He says he chose his nickname "Hamza" out of love for his brother.

His statements, when he does not make use of his right to silence, are very poorly substantiated as to the facts and the co-accused. He either forgot, does not know or does not wish to answer.

Sofien AYARI nevertheless explains the motivations that led him to go to Syria: « as a result of the bombings the Americans killed people there and I don't mean soldiers but civilians. They are bombing markets and stuff like that (...). I followed my feelings. I didn't have a bad life. I wasn't a thug or a criminal. Afterwards, whether I did good things or bad things, in any case I tried to do my best and I know in my heart that I didn't want to do wrong or cause any harm »<sup>845</sup>.

Before the examining magistrate PANOU, he explains <sup>846</sup> « *I was a normal student. I was studying electricity production. I was in my last year. Then I saw everything that happened in Syria and elsewhere and for a while it affected me a lot* »<sup>847</sup>. He also criticises the lack of humanitarian response on the part of Tunisia.

He adds: « *I know that the mere fact that I ended up in these places or with these people will get me a few years in prison* »<sup>848</sup>.

He cannot stand any acts of injustice nor any oppression of any people and does not consider himself a "radical": « *I have always been against the use of the word 'radicalisation' because I don't consider myself a radical. For example, when I say that I support them because they are Muslims, as soon as you say the word Muslim you make the link with religion, so that's what they call radicalisation* »<sup>849</sup>.

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<sup>843</sup> Police record 12494/16, MOD14, C3, F2, SF3, 1

<sup>844</sup> First interrogation of Sofien AYARI of 19 March 2016, PV 12494/16, MOD 14, C3, SF2, 1

<sup>845</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>846</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>847</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>848</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 2

<sup>849</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

In Tunisia, he says, *"When you leave your beard on and go to pray in a mosque, it's a sign of radicalisation over here. Whereas for others it can just be a sign of piety"*<sup>850</sup>.

He admits that he stayed in Syria for less than a year. He learned some things about the Koran, such as how to read it. He denies having had any military or explosives training.

While he does not share all the ideas of Jabhat al-Nosra or the Islamic State terrorist group, he nevertheless states: *« at least, with them, I could do something against this criminal regime that destroys entire cities, including women and old people »*<sup>851</sup>. The Islamic State *« are no angels »*<sup>852</sup> he says, *« they are people who try to enforce the Koran as much as possible »* and to do their best in an environment of war and violence.

He does not want to elaborate on the reasons why he left Syria and came back to Europe because *« a lot of things were hard down there »*<sup>853</sup>. In this respect, he adds: *« I am a human being. I have tried to do the best I can with what I have, with the little I know. Now I know that if I had to do it again I would try to do it differently. Control my feelings a bit. I mean, there's a lot of things »*<sup>854</sup>.

He did not answer any questions about his journey from Syria to Belgium. He limits himself to saying that he did as all refugees do, crossing one state after another. He refuses to talk about ALKHALD (whom he claims never to have met) or Osama KRAYEM (who, according to him, did not give him any orders). As a matter of fact, he did accompany Osama KRAYEM to Amsterdam: *« I left with him, that's true. When he left, he didn't tell me exactly what he was going to do. He just said 'if you want, you can come with me'. He asked me to buy the tickets here, as he did not speak French. Then we left and returned. Ibrahim did not address me (directly) »*<sup>855</sup>.

He denies any involvement in the Paris attacks: *« My position is that I did not participate (in the attacks) »*<sup>856</sup>.

He admits to have been *« in these places or with certain people and just for that I will have to spend a few years in prison »*<sup>857</sup>.

He claims not to know the role of any of the defendants or suicide bombers he has travelled or lived with, and if he does speak, it is never about them. He acknowledges having stayed in Charleroi and rue Henri Bergé with Osama KRAYEM, in Jette with Osama KRAYEM "and the Algerian" (BELKAID) as well as in the rue du Dries. But he says he does not know the rue Max Roos nor the Avenue des Casernes

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<sup>850</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>851</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>852</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>853</sup> Interrogation report by IJ PANOU, MOD14, C2, F2, SF3, 2

<sup>854</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>855</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 2.

<sup>856</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>857</sup> Interrogation report by IJ PANOU of 14 March 2017, MOD14, C3, F2, SF3, 2

Sofien AYARI describes Mohamed BELKAID as a referral person: « *Afterwards I spoke to BELKAID and I explained to him that what happens here is not my thing and that I couldn't stay here. I wanted to go back to Syria. He took the time to listen to me, he didn't push me away. He didn't judge me. He didn't ask many questions but he took the time to listen to me* »<sup>858</sup>. He is upset by his death.

He acknowledges that he met Salah ABDESLAM, adding that he did not confide in him. He was with him in the same flat in Forest. Salah ABDESLAM spoke more with the Algerian (Mohamed BELKAID) than with Sofien AYARI.

When asked by the investigating judge why he followed the group for several months, he limits himself to saying that he has already expressed himself <sup>859</sup>.

When asked whether he had knowledge of the manufacturing of TATP prior to his arrest, he does not wish to answer.

During the hearing on 13 September 2016<sup>860</sup> concerning the police intervention on 15 March in Rue du Dries, he stated that he and Salah ABDESLAM had panicked at the time of the police intervention and that they had fled through the window without having heard the police enter the building. But he added that it was Mohamed BELKAID who shot at the police officers who had come to search the premises <sup>861</sup>.

He further stated that he had handled the weapons and objects in the rue du Dries flat on numerous occasions, which explains why his DNA was found on the Kalashnikov abandoned in rue de l'Eau, including on the tail of trigger of the weapon.

He dodges questions by answering for example : « *it seems pointless to me to try to answer because the presence of fingerprints or DNA is already unfavourable to me* »<sup>862</sup>.

Sofien AYARI declares to the investigating judge PANOU that he was not a prisoner of the group:

« *(EL BAKRAOUI) did not really lock us up. We were not prisoners. As for the rest, I have nothing to say about it* »<sup>863</sup>. Later on, he further specifies : « *we were free but phoning the family or things like that was not allowed* »<sup>864</sup>. But they could not get out on their own initiative: « *We are foreigners, we don't know the country. We take the risk of being checked by the police* »<sup>865</sup>.

If his fingerprints are found on the firework boxes, it is, according to him, because he touched them. But he denies knowing what they could have been used for, just as he claims not to know what the detonators were for « *as there was no explosive manufacturing on site* »<sup>866</sup>.

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<sup>858</sup> Interrogation by IJ PANOU, MOD 14, C3, F2, SF3, 2

<sup>859</sup> Interrogation report by IJ, MOD9, C7, SF6, 5

<sup>860</sup> PV 37547/16 (MOD14, C3, F2, SF3, 13)

<sup>861</sup> PV of reconstruction of the dossier « DRIES », MOD14, C3, SF1, 5. But it is also known that the weapon found in Rue de l'Eau also fired (cf. above).

<sup>862</sup> PV) 17519/16, MOD14, C3, F2, SF3, 9

<sup>863</sup> Interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 16

<sup>864</sup> Interrogation report by IJ PANOU MOD14, C3, F2, SF3, 2

<sup>865</sup> Interrogation report by IJ PANOU MOD14, C3, F2, SF3, 2

<sup>866</sup> Interrogation report by IJ PANOU 14 March 2017 (MOD14, C3, F2, SF3, 2)



He claims that there was no Islamic State flag in the flat at the time he was there.<sup>867</sup>

He did not make a will and never wanted to hurt anyone, he says.

He knows that he risks imprisonment if he goes to Tunisia. Already, at the time of his indictment in Belgium, he said: "At this moment, I see that I am going to prison and I think I will not get out "<sup>868</sup>.

He refused to answer whether he knew of the group's plans following the Paris attacks <sup>869</sup>.

As for the contacts established between the two hideouts (in Forest and Schaerbeek) and the SMS "Hamza" sent from the rue Max Roos and found in the phone abandoned during his escape, he replies « *No, I had no contact with the other terrorist cell. You talk about a mobile phone with which I fled on 15 March 2016, I did not have a mobile phone. I don't want to answer who was the leader when we fled* »<sup>870</sup>.

Sofien AYARI claims to have written a letter to Mohamed BELKAID asking for his support in order to help him leave. He wanted, he said, to return to Syria, and Mohamed BELKAID was to help him by contacting leaders of the Islamic State terrorist group <sup>871</sup>.

Mohamed BELKAID was also to convey this message to the EL BAKRAOUI brothers who came to Forest.

He claims that this letter used to be in the dining room in the Rue du Dries, but no one could find it. However, he does not wish to answer the question of why he did not attempt to return to Syria alone, as ALKHALD did <sup>872</sup>.

In reply to the question by the investigating judge PANOU: « *In relation to this Schiphol plan, Osama KRAYEM told me during the hearings held in my office in October and November 2016 that following the arrest of Salah Abdeslam: « Schiphol has become Zaventem ». What can you say about that?* », Sofien AYARI answers : « *I don't know. They were in another flat with the others so maybe he explained a bit but I was in prison so I don't know anything* »<sup>873</sup>.

Similarly, with regard to the facts of 22 March 2016, he defends himself by saying « *How can I feel concerned considering that I had been in prison for some time already. I was in prison when it happened, I didn't participate, I was locked up* »<sup>874</sup>.

Finally, although he confirms that he comes from the same neighbourhood as Osama AL ABDALI and Walid AL YOUSOUFI, both suspected of being involved in the Tunis attacks, he claims to have done nothing in Tunisia.

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<sup>867</sup> Interrogation report by IJ PANOU 14 March 2017 (MOD14, C3, F2, SF3, 2)

<sup>868</sup> Interrogation report by IJ, MOD9, CS, SF1, 2

<sup>869</sup> PV 12436/19, MOD9, C7, SF6, 7

<sup>870</sup> PV 001194/17, accompanied by PV 15682/19, MOD9, C7, SF6, 10

<sup>871</sup> Interrogation report by IJ PANOU 14 March 2017, MOD14, C3, F2, SF3, 2

<sup>872</sup> Interrogation report by IJ, MOD9, C7, SF6, 4

<sup>873</sup> Interrogation report by IJ PANOU 12 December 2018, (MOD 14, C3, SF3-2, 17)

<sup>874</sup> Interrogation report by IJ, MOD9, C7, SF6, 4

He knows these people, whom he used to see in the mosque after praying in the café. He also knows some Tunisians who have left for Syria.

#### **F - PSYCHIATRIC EXPERTISE**

No psychiatric expertise has been ordered by the investigating judges in this particular dossier. To the investigating judge in the Paris attacks dossier, Sofien AYARI declared that he did not wish to see a psychiatrist again<sup>875</sup>.

In the context of the attempted assassination of the police officers intervening in Rue du Dries, psychiatrists Noury MRABET and Gérard CHARLES wrote an expert report in November 2016.

This report is attached to the dossier <sup>876</sup>.

This report describes Sofien AYARI's personality as follows:

*« He does not deny the facts of which he is accused but does not wish to further explain them or elaborate on them.*

*He remains vague in his speech about his experiences and his past, which corresponds to a defensive attitude; rather appropriate in the present context».*

*« He points out that he is just a grain of sand and that the punishment he will receive is of little importance.*

*The systematic mental examination does not reveal any previous or current major psychopathology or personality disorder».*

*« The clinical elements confront us with an individual, free of any pathology and whose conviction is unshakeable; his fate is not important and although he regrets not having communicated more love, not having been more explicit towards his family and friends, he does not mention any regrets either about his imprisonment or about the acts he is accused of, which he acknowledges but refuses to detail».*

Their conclusion is clear *« If the facts turn out to be true in court, the guidance he will have to receive is of a social nature, aiming at the protection of society. In view of the parameters collected, we can hardly expect any effect whatsoever from a psychological treatment ».*

#### **G - CHARACTER WITNESSES**

The accused did not wish to call any character witnesses <sup>877</sup>.

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<sup>875</sup> Interrogation report IJ PANOU (MOD 14, C3, SF3-2, 17)

<sup>876</sup> Report of 7 November 2016, MOD7, C7, SF 11, 2

<sup>877</sup> PV 13921/19 (MOD9, C7, SF6, 8)

Sofien AYARI's parents were heard by the Tunisian authorities at the request of the investigating judge in charge of the Paris attacks, and the documents were added in copy to this dossier <sup>878</sup>.

Sadek AYARI, his father.

He states that his son observed religious precepts, wore the khamis and grew a beard. In November 2014, Sofien asked him to allow him to go to Turkey in order to trade and buy goods. He allowed him to do so and gave him a sum of 600 Tunisian dinars, then accompanied him to Tunis-Carthage airport.

Upon arrival in Turkey, Sofien contacted his family members to tell them that he was ill. Then the contact stopped. Two months later, he contacted his mother to inform her that he was in Syria. Since then, contacts were very brief and ceased in June 2015.

After his arrest, the family was contacted by telephone by a Belgian lawyer to inform them that their son Sofien AYARI was imprisoned in Belgium on suspicion of possession and use of false Syrian documents.

His family says he has been asked several times to leave Syria and return to Tunisia but without success.

Fatima AYARI, his mother.

She confirms this statement. She added that the family had no knowledge of his activities in Syria, and did not know that he had come to Belgium until the phone call from the lawyer.

Hamza AYARI, his brother

He indicated that the family had noticed that Sofien AYARI had started to practice his prayer assiduously since 2013. He no longer sat with the young people in the neighbourhood, he no longer went to the cafés as he used to. He used to pray at the Mosque of the Republic in the neighbourhood and then left for another mosque.

However, Hamza does not believe that he was seeing extremist individuals.

In the same year, when he started to wear a khamis and grow a beard, all the family members reproached him and he was urged to abandon these habits.

Sofien moved to Turkey in late 2014. He later joined an organisation fighting against the Syrian regime.

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<sup>878</sup> documents from the Tunisian IRC, MODIS, C31, SF3, 33

His brother Hamza was communicating with him via Facebook when he was in Syria. He sent him pictures of the family, but did not discuss anything else. He has only seen a photograph of Sofien wearing a khamis, but denies having received photos of his brother posing with arms or in uniform.

Bouthaina AYARI, his sister.

She tells us that Sofien joined one of the organisations fighting against the Syrian regime there. Sofien AYARI contacted his family through his mother's phone number. She describes him as very secretive, not praying in mosques. She does not know who he associates with.

#### CHAPTER IV : OSAMA KRAYEM

alias «Naïm AL HAMED», alias «Omar ABDELKADER», alias « Samir SAKRIE», alias « Abou Omar»

#### A - PROCEDURE

Osama KRAYEM was arrested on 8 April 2016.

He is charged to have, either as perpetrator or as co-perpetrator, participated in the activities of a terrorist group, murder in a terrorist context, attempted murder in a terrorist context and is placed under an arrest warrant of 9 April 2016.

After having briefly recounted the explosions and the discovery of the conspiratorial flat in Rue Max Roos, the investigating judge justified the arrest warrant in the following terms:

*« Several fingerprints were taken by the laboratory services during the search carried out in Rue Max Roos 4 in 1030 - Schaerbeek. Several of them were identified as belonging to KRAYEM Osama (heating kettle, tea bag packaging, television).*

*The accused KRAYEM Osama admits being the person who accompanied Khalid EL BAKRAOUI towards the Pétillon metro station. He admits that, like Khalid EL BAKROUI, he was in possession of an explosive charge in the backpack he was carrying, and that, just like Khalid EL BAKROUI, he was planning to detonate the charge while he was on the same metro train. He states that he was indeed responsible for buying the backpacks that were intended to carry the loads. According to his own explanation, he went to the flat in Rue Max Roos 4 in Schaerbeek to fill the two backpacks with explosive charges that had been prepared there by the people present there. He then allegedly brought these bags, one by one, to the flat he apparently occupied together with EL BAKRAOUI Khalid.*


*The accused states that he was in Belgium since September 2015 after being brought there by Salah ABDESLAM. He claims that the aim would have been for him to return home to Sweden but that he would have been forced by others to stay in Belgium and even to participate in the events of 22/03/2016. He also states that he hardly knew anyone in there (they remained hooded in the various flats where he went). However, these statements seem implausible and are contradicted by the evidence in the dossier, in particular the statements of the other persons interviewed. »*

His pre-trial detention has always been extended. The accused has never appealed against these decisions.

In its judgment of 17 September 2021, the Brussels Court of Appeal, Indictments Chamber, having found that there were sufficient and serious charges against Osama KRAYEM, referred this accused to the Assize Court of the Brussels-Capital administrative district on account of these same charges.

His referral to the Assizes Court covers both the acts committed in Zaventem and those committed in Maelbeek. With regard to 22 March 2016, the terrorists' objective was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek, so that the different targets should be analysed as a single scene of attacks.

As a consequence, Osama KRAYEM is, like each one of the accused, a co-author of all the attacks committed on that date, without distinction of the target assigned to each of them.

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## B-BIOGRAPHIE

Osama KRAYEM born on 16 August 1992 is of Swedish nationality. He is the son of Fadi Ibrahim KRAYEM, a taxi driver, and of Nidal KRAYEM, a Lebanese-born housewife of Palestinian origin.

Osama KRAYEM has an older sister called Assma, married with two children, and a younger brother called Anas <sup>879</sup>.

The origins of Fadi Ibrahim KRAYEM, father of Osama KRAYEM, are unclear. He describes himself as a Palestinian refugee in Lebanon, with no family in Syria.

According to the Swedish authorities, he was born in 1958 in a Palestinian refugee camp in Beirut and emigrated to Sweden in 1990, after marrying his wife. He has Swedish citizenship.

According to his wife, Fadi KRAYEM was born in Syria (Deir-Ez-Zor) under the name JBARA and changed his name to hers. Part of the paternal family, including Osama KRAYEM's grandfather, lives in Syria in Deir-Ez-Zor<sup>880</sup>. He also has relatives in Mayadeen <sup>881</sup>.

Her mother, Nidal KRAYEM, was born on 10 March 1968 in Lebanon. She immigrated to Sweden at the age of 20. She has Swedish nationality.

This religious Muslim family speaks Arabic and Swedish. Osama has also learned English and understands some French <sup>882</sup>.

The family lives in the densely populated Rosengard district, where youth associations have been set up to help and entertain young people.

Osama KRAYEM is very sporty and seems to have distinguished himself in football. A video report filmed him in 2005 as a model of integration thanks to the benefits of sport <sup>883</sup>.

Even though the family is very close, Osama KRAYEM says he is a loner, having never known a real family life, each one eating on his own. He is single and childless.

Osama KRAYEM's school career was going well <sup>884</sup>. Although he says he did not like to study <sup>885</sup>, he completed his secondary education and then followed a training programme in construction. He gets good marks in most subjects

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<sup>879</sup> They also have a half-sister who was raised with her grandparents, a daughter from their mother's first marriage to a cousin.

<sup>880</sup> PV 15773/16 (MOD15, C2, SF2, 19) and PV 32579/17 p9/13 (MOD9, CS, SFI, 14)

<sup>881</sup> PV 17683/18 p 7/22 (MOD9, CS, SFI, 16)

<sup>882</sup> PV 8608/19 (MOD9, CS, SFI, 18)

<sup>883</sup> PV 16780/17 (MOD15, C18, SFI, 5)

<sup>884</sup> PV 3407/17 (MOD9, CS, SFI, 13)

<sup>885</sup> PV 3407/17 (MOD9, CS, SFI, 13)

According to the investigation conducted by the Swedish authorities, he showed no signs of radicalisation. He is described as a cheerful, kind, non-violent kid who did his best and had many friends<sup>886</sup>. After finishing school, he started working for the city of Malmö. His supervisors describe him in a positive way. His religious practice did not appear to be radical.

In 2011, Osama KRAYEM travels to Sofia in Bulgaria « *it was the period of my criminality in Sweden* », he says<sup>887</sup> « *In the past, one could buy a Bulgarian driving licence with money.* ». However, this history of criminality remains confidential and neither his family nor the Swedish authorities seem to have detected it. Osama KRAYEM's criminal record is clean<sup>888</sup>.

At the age of 20, he started working for the city of Malmö, his job being the transport of tables and chairs.

Around 2013, Osama KRAYEM became radicalised by surfing on the Internet<sup>889</sup>. He states that he has "come closer" to a more "modern" version of Islam in one night<sup>890</sup>. Islam shall guide his life<sup>891</sup>. He leaves his old friends, some of whom were delinquents, and wants to focus more on helping his family. His father is happy to see him visiting the local mosques. His sister becomes his person of confidence.

Generous as he is, he donates to several charities including the « *Islamic Information Center Sweden* », the « *croissant suédois* » (*Swedish Crescent*) and the *Association syrienne sur l'aide humanitaire* » (*Syrian Association for Humanitarian Relief*). He sponsors two orphans in Gaza.<sup>892</sup>

In June 2014, he reportedly left his position at the Malmö administration claiming to go working for a courier firm. This information could not be verified<sup>893</sup>.

The first signs of his departure for Syria appear from the research he does on the Internet, and from his Facebook account.

The family computer reveals that Osama KRAYEM is interested in the Islamic State group, in the purchase of an Islamic State flag, a map of positions occupied by the Islamic State terrorist group in Syria in 2014, and clothing worn by its fighters<sup>894</sup>.

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<sup>886</sup> PV 16780/17 (MOD15, C18, SF1, 5)

<sup>887</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>888</sup> PV 16780/17 (MOD15, C18, SF1, 5)

<sup>889</sup> He listens to the Yemeni preacher Anwar al-Awlaki on the Internet who, in his opinion, "explains the Koran very well".

<sup>890</sup> consultation at Malmo Hospital in 2013 for having handled chemicals. Although the circumstances of the accident or even the type of product used are not specified, KRAYEM Osama reportedly waited one month before seeking medical assistance (PV 16780/17, MOD15, C18, SF1, 5).

<sup>891</sup> PV 8607/19 (MOD9, C, SF1, 20)

<sup>892</sup> PV 16780/17 (MOD15, C18, SF1, 5)

<sup>893</sup> PV 16780/17 (MOD15, C18, SF1, 5)

<sup>894</sup> PV 32579/17 (MOD9, C5, SF1 14)



He left for Syria on 17 August 2014, on his 22nd birthday, with a young Swedish man of Algerian origin named Houdaifa <sup>895</sup>, surnamed « Abou Yayha »<sup>896</sup>.

He is said to have taken with him a sum of \$30,000 which allegedly represented « *his savings* »<sup>897</sup>. He was arrested with €2720 on him, of which he said it was the remainder of that sum of money.

Osama KRAYEM explains this departure as follows: « *I went to Syria with the intention of helping because my father's family lives in Syria and when I saw what was happening there on the news, I wanted to go and see them. Afterwards, I joined Islamic State to fight this war because it was easier to fight for them* »<sup>898</sup>.

When he joins the Islamic State terrorist group, he fills in the form in which he describes his qualities and desires. Wishing to do humanitarian work, he says, he is directed to a house near Raqqa. Like everybody else, he receives a monthly allowance of about US\$50, paid by Islamic state <sup>899</sup>.

Then he decided to go fighting. He passed several tests, took a two-week course in religious doctrine and then learned to handle weapons for another two weeks. He then joins Emir Abu Laith's group and carries out missions as a lookout and surveillance of an airport <sup>900</sup>.

During his hearing on 23 September 2016, he also indicated that he had joined the religious police <sup>901</sup>.

From Syria, Osama KRAYEM maintains a regular contact with his family <sup>902</sup>. He posts messages and photos of his activities via Facebook. He does not conceal his membership of Islamic State, poses armed in front of its flag and broadcasts propaganda or execution films, such as one depicting a child executing a prisoner.

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<sup>895</sup> PV 051976/16 (MOD9, C5, SF1, 12)

<sup>896</sup> A certain RAHO MOUSSA Zakaria, a Swedish national of Algerian origin, who lived in southern Sweden and is believed to have died in a bombing in November 2015 (PV 006888/19, MOD12, C4, SF8, 14)

<sup>897</sup> He varied in his statements: he also said that he had played at the casino (PV 42092/16 attached to 016641/16 p4, MOD9, C5, SF1, 9) or that the money came from crimes committed in Sweden (PV 32579/17, MOD9, C5, SF1, 14)

<sup>898</sup> PV 15773/16 (MOD15, C2, SF2, 19)

<sup>899</sup> PV 051976/16, MOD9, C5, SF1, 12

<sup>900</sup> Called « *ribat* » : Each person doing the ribat has a Kalashnikov, a PKS with 100 rounds of ammunition, and a rocket launcher, night vision goggles and a radio, completed by a tactical gilet or jacket for storing weapons, grenades and ammunition. (PV 51490/16 (MOD 9, C5, SF1, 11) p 9, PV 051976/16, MOD9, C5, SF1, 12 (p 6/12)

<sup>901</sup> PV 39322/16 (MOD9, C5, SF1, 8)

<sup>902</sup> PV 3407/17 (MOD9, C5, SF1, 13)



On 25 February 2015, in a Facebook conversation with his brother Anas, Osama KRAYEM talks about a video of a "man being burned" and draws his brother's attention to a particular face. Anas KRAYEM recognizes « *the eyebrow* ». Reference is also made to other videos in which Osama KRAYEM may also be appear.

With his sister Assma, Osama KRAYEM also exchanges on Facebook about the video of the « *grill* » (sic !). Osama KRAYEM precises : « *You can see my eyebrows, have you seen everything?* ». Asma seems to disagree with her brother and finds his attitude "very rigid" when he speaks on television.

This is how Belgian investigators found references to the assassination of the Jordanian pilot AL KASSASBEH, captured by the Islamic State terrorist group and executed on 3 January 2015.

Analysis of the film footage taken at the time of the assassination allows the identification of Osama KRAYEM, among other members of the Islamic State group, wearing a hooded and armed uniform. They surround this pilot locked in a cage in which he is burned alive<sup>903</sup>. Osama KRAYEM acknowledges his presence at the scene but he also says « *It was not me who burnt that pilot* »<sup>904</sup>.

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<sup>903</sup> These facts are not being judged in this present case: they have been transmitted to the Swedish authorities for disposal and useful follow-up, given Osama KRAYEM's Swedish nationality.

<sup>904</sup> PV 17683/18 (MOD9, C5, SFI, 16)



Injured in the knee, he is repatriated to Raqqa. His Facebook account "osama.krayem9" locates him there in February 2015.

In Syria, Osama KRAYEM admits that he was doing the « ribat », « *and then I drove vehicles for Islamic State* »<sup>905</sup>. He states that at that time he was testing TNT with a fellow fighter <sup>906</sup>.

Osama KRAYEM seems to be a source of pride for his family. He asks his family to organise fundraising events for him or to create new Facebook profiles for him. On 25 February 2015, Osama KRAYEM writes on Facebook to his brother Anas that he is *proud to have been educated to become a mujahid*.

On 1 April 2015, he wrote to his sister Assma that he had met a new leader, EL ADNANI, spokesperson of the Islamic State and « *Minister of Attacks* » : « *What a character (...) the one who speaks, you think he is very dangerous, but when you sit with him, (he is) a very ordinary person* ». In the course of the evening, he boasts to his brother that he can teach him special fighting and wrestling techniques and that he has been trained in « *special stunts ('cascades spéciales')* ».

In May 2015, he sent a message to his sister, complaining about his knee as a result of which he was unable to go to the « *ribat* »<sup>907</sup> nor to the « *qital* »<sup>908</sup> for a long time already<sup>909</sup>.

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<sup>905</sup> PV 51490/16, MOD9, C5, SFI, 11

<sup>906</sup> PV 051976/16 (MOD9, C5, SFI, 12)

<sup>907</sup> The lookout (the act of standing sentry in fortified places). Each person doing the ribat has a Kalashnikov, a PKS with 100 rounds of ammunition, and a rocket launcher, as well as a tactical jacket to store and carry weapons, grenades and ammunition, as well as night vision binoculars and a radio (PV 51490/16, page 9, MOD 9, CS, SFI, 11; PV 051976/16, page 6/12, MOD9, C5, SFI, 12).

<sup>908</sup> The combat

<sup>909</sup> PV 10872/18 (MOD15, C24, SFI, 34b)

Osama KRAYEM sends a photograph to his sister via Facebook. The picture shows a place where explosives are made on a large scale. Osama KRAYEM can be seen on the far right, wearing a glove on his right hand. He appears to be filling a cylinder with grey powder. Identical cylinders, from which electric cables are coming out, can be seen on the left side of the picture.<sup>910</sup>

According to the SEDEE analysis of this photograph, such homemade explosive devices<sup>911</sup> are made to target armoured vehicles. It is a very powerful weapon that can pierce an armoured vehicle all the way through.



According to conversations held at the end of May 2015, he participates, masked, in the filming of videos of the Islamic State terrorist group.

At the end of May and beginning of June 2015, conversations with his sister suggest that Osama KRAYEM was planning to carry out a special action, suggesting that it might involve a suicide bombing.

- On 25 May 2015, he sent his sister the following message : *«I might perhaps do what your husband's brother did, in shaa allah »*<sup>912</sup>. He then further explains that he was to go to a meeting tomorrow. *« in shaa allah I am shooting a video and I ask them to send it to you »*. He adds that *« in this dunya »*<sup>913</sup> *you have to try to do the best so when you are in jihad you have to try to find the best of jihad. Which is the best act that makes Allah most happy »*<sup>914</sup>.

<sup>910</sup> PV 10872/18 (MOD15, C24, SF1, 34b)

<sup>911</sup> This concerns EFP Devices (explosive formed penetrator)

<sup>912</sup> When asked about this sentence, Osama KRAYEM limited himself to saying that he wanted to go into battle: *« My sister's husband's brother had gone to fight Jews in Lebanon and died there. A long time ago »* (PV 17683/18, MOD9, C5, SF1, 16)

<sup>913</sup> Arabic word for material life as it is experienced in daily life, as opposed to the 'afterlife', the world after death.

<sup>914</sup> PV 10872/18 (MOD15, C24, SF1, 24B, page 68) .

- The next day, Assma KRAYEM replies to her brother: « (...) *Go out when you must and then if Allah decides to take your life, it will be time* »<sup>915</sup>.
- On 2 June 2015, he seems motivated: he answers his friend Mohamed AZAM who asks him what is going on « *A truck, anytime* »<sup>916</sup>.
- On 4 June 2015, Osama KRAYEM says he is « *super fine* ». Then he asks his sister to gather the family because he wants to talk to them. He mentions once again ADNANI and a truck : « *ADNANI only you can do that with a truck 100% allah u akbar [Allah is great]*»<sup>917</sup>.

Osama KRAYEM does not remember having said such a sentence.

He leaves Syria in September 2015: between 17 September 2015 and 30 September 2015, his Facebook account is successively connected in Izmir (Turkey), on the island of Samos (Greece), on the island of Leros (Greece), in Athens (Greece), in Vienna (Austria), at the German-Austrian border and in Munich (Germany)<sup>919</sup>.

Under the false identity of Nairn AL HAMED, born on 1 January 1988, Osama KRAYEM travels with ALKHALD and Sofien AYARI: on 23 September 2015, the reservation for the boat ticket from Leros Island to Athens bears the same reference as that of Monir ALHAJ AHMED (alias of Sofien AYARI) and ALKHALD <sup>920</sup>.

On 28 September 2015, his false Belgian identity card in the name of Samir SAKRIE, born on 12 April 1988, was prepared in Belgium. It bears his photo which, according to him, was taken in Turkey.

#### **C – FOR THE RECORD<sup>921</sup> : HIS INVOLVEMENT IN THE PARIS ATTACKS**

Several elements revealed during the investigation into the Paris attacks suggest that Osama Krayem was a member of Liwa As Saddiq. He appears masked and

<sup>915</sup> PV 10872/18 (MOD15, C24, SF1, 24B, page 78)

<sup>916</sup> PV 10872/18 (MOD15, C24, SF1, 24B, page 85)

<sup>917</sup> PV 10872/18 (MOD15, C24, SF1, 24B, page 81)

<sup>918</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>919</sup> PV 007805/18, MOD 15, C23, SF1, 3

<sup>920</sup> PV25346/16 p 8 annexed by PV 42092/16 (MOD9, C, SF1, 9)

<sup>921</sup> As a reminder, the facts committed in the context of the Paris attacks are cited in this dossier for information purposes only. These facts occurred prior to the period of the offence retained in the context of our case. We thought it important to mention, for each of the defendants, the elements that allow us to know their state of mind and their previous history, as at the time when the offence period of the present dossier has started. The accused is being prosecuted in Belgium only for the acts committed in the context of this dossier.

hooded at scenes of mediatized executions<sup>922</sup>. The photographs he posted on his Facebook account show him wearing a « *beige-khaki coloured military uniform, as well as a beige coloured hood or balaclava* »<sup>923</sup>, distinguishing Liwa As Saddiq from other units<sup>924</sup>. Other examples worth mentioning are the messages exchanged with his family.

This membership appears to have justified his selection to come to Europe to carry out a particular mission after having mastered techniques and tactics specific to specialised units, including those relating to the manufacture of explosives.

Osama KRAYEM has no link with Belgium but leaves Syria to enter our country together with Sofien AYARI, also suspected of belonging to this special unit.

The first phases of his journey in Europe are revealed by the judicial dossier concerning the Paris attacks: Osama KRAYEM is taken care of by Salah ABDESLAM in Ulm (Germany) along with Sofien AYARI and Ahmad ALKHALD. He is then taken to different hideouts together with Sofien AYARI, first in Charleroi rue du Fort, then in Auvelais, rue Radache, where they are reunited with ALKHALD.

Around 25 October 2015, BAKKALI drives him, as he says, to Rue Henri Bergé 86 in Schaerbeek' together with Sofien AYARI<sup>925</sup>.

This is where the explosive jackets that were later used to carry out the Paris attacks were made.

On 12 November 2015 at 3:34 pm, two "one-way" tickets<sup>927</sup> are purchased under the false names of Samir SAKRIE (alias of Osama KRAYEM) and Amine CHOUKRI (alias of Sofien AYARI) for a journey by Eurolines coach on 13 November 2015 to Amsterdam, scheduled to depart from Gare du Nord in Brussels at 11:15 am.<sup>928</sup> Osama KRAYEM states that it was Sofien AYARI who booked the tickets<sup>929</sup>.

According to their explanations, they were travelling to the Netherlands, either without any specific purpose or to check out the "*luggage lockers*" at Schiphol airport.

These statements do not explain why, on the computer in Max Roos Street used by the terrorists, there is a sub-folder 'Schiphol Group' in the file folder « *13 novembre* », in addition to the sub-folders named "Omar Group", "French Group", "Iraqi Group" and "Metro Group".

<sup>922</sup> In fact, on 25 May 2015, one of his correspondents, whose Facebook profile is written in Arabic, questioned Osama KRAYEM about the fact that he does not appear on YouTube in "ISIS" videos (note: i.e. the Islamic State terrorist group). Osama KRAYEM replies : « *no I always put on a mask There are not so many videos on YouTube, almost only new ones* » (PV10872/18, MOD 15, C24, SF1, 34 and, regarding the balaclava/hood and the uniform, see also the annexes to PV 018675/21 MOD21, C2, 31 and PV DGS1 2019/75/15.

<sup>923</sup> When asked about this, he replied: « I think I would agree with your opinion that these outfits are related to that. A certain type of person who has a certain function/role » PV 17683/18 p 14/22 (MOD9, C5, SF1, 16)

<sup>924</sup> PV 018675/21, MOD21, C2, 31

<sup>925</sup> This is where the explosive belts used in the Paris attacks were prepared:<sup>30</sup> - PV 47688/16 (MOD9, C5, SF1, 10)

<sup>927</sup> Interrogation report IJ PANOU, MOD14, C3, F2, SF3, 2

<sup>928</sup> See copy attached of PV 019372/16 (p 15/27) accompanied by PV 42092/16 (MOD9, C, SF1, 9)<sup>31</sup> PV 15085/17 by « B-PARIS », C148, SF1, 26 and the interrogation report by IJ PANOU, MOD14, C3, F2, SF3, 2



Having been part of the same group designated to carry out coordinated attacks, Osama KRAYEM and Sofien AYARI are both being prosecuted by the French authorities for their participation in the attacks committed in Paris on 13 November 2015.

After the Paris attacks, Osama KRAYEM joins the group in rue Henri Berge. Subsequently, with Mohamed BELKAID and Sofien AYARI, he is brought, as he says, by Khalid EL BAKRAOUI to Jette, avenue de l'Exposition.

#### **D – HIS INVOLVEMENT IN THE BRUSSELS ATTACKS**

Osama KRAYEM's involvement in the Brussels attacks can be summarised as follows:

##### **1. His presence in the hideouts :**

Once in Belgium, and until the rental of the flat in rue Max Roos, Osama KRAYEM's fate is always linked to that of Sofien AYARI: they are always taken together from one hideout to another<sup>930</sup>.

Around 10 January 2016, Osama KRAYEM is installed in Forest rue du Dries. Salah ABDESLAM, Mohamed ABRINI and Najim LAACHRAOUI join them later.

Around 12 February 2016, Osama KRAYEM leaves for Rue Max Roos together with Najim LAACHRAOUI and Mohamed ABRINI.

On the evening of the shooting in Rue du Dries, he was taken to safety by the cell in the flat of Hervé BAYINGANA MUHIRWA.

He then accompanies Khalid EL BAKRAOUI to the flat on Avenue des Casernes, the place of departure of the two suicide bombers who were planning to blow themselves up in the metro on 22 March 2016.

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<sup>930</sup> And we recall, together with statements by Adel HADDADI, that the commandos sent from Syria were formed because of their connections (nationality, language, etc.). We also add : or... their trajectory. Cf. interrogation of AYARI by IJ HERBAUT of 16 July 2019, page 12, originating from « B-PARIS », C41.1, SF1, 13

204 m



## 2. His activities while in the hideouts

### a) Rue du Dries

Thanks to the discovery of his fingerprints and DNA on site, the investigators were able to determine that Osama KRAYEM had used the clothes found there, and had handled objects of everyday life or other, more distinctive objects, such as a headlamp or Kalashnikov magazines.

b) Rue Max Roos Osama KRAYEM is one of the first to stay in the flat in the rue Max Roos <sup>931</sup>.

Il y laisse son ADN et ses empreintes en participant à la vie quotidienne des occupants de ce lieu et en manipulant toute une série d'objets qui sont en liaison étroite avec la fabrication de TATP comme par exemple un ventilateur, une poubelle ou encore une boîte de boulons.

### 1°. Provisioning

As he is not known to the police, Osama KRAYEM can, more easily than the others, go out without risk of being recognised.

Osama KRAYEM confirms that he left the flat to get food<sup>932</sup>.

D'autres achats sont faits par l'intéressé, parfois seul, parfois accompagné d'Ibrahim EL BAKRAOUI. He accompanied him for the purchase of 2 bicycles at Decathlon on 12 March 2016, one of which was transported to Rue du Dries and the other to Rue Max Roos <sup>933</sup>.

In addition to routine purchases, Osama KRAYEM is involved in the purchase of items that are closely related to the making of TATP.

Thus, for example, thanks to the capturing of camera footage, he is seen in the Blokker shop accompanied by Ibrahim EL BAKRAOUI buying a Pyrex cup and plastic bins on 3 March 2016<sup>934</sup>.

On 14 March 2016 Osama KRAYEM and Ibrahim EL BAKRAOUI are seen in the "Lemonnier" pre-metro station<sup>935</sup>, each pulling a trolley carrying cans of sulphuric acid bought at the Brico 2000 shop<sup>936</sup>.

<sup>931</sup> Interrogation report ABRINI by IJ of 9 April 2016, MOD9, C5, SF1, 2


<sup>932</sup> Interrogation report IJ PANOU, accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>933</sup> PV 14082/16, MOD 14, C14, SF3, 51

<sup>934</sup> PV 32579/17 (MOD9, C5, SF1, 14) and PV 16288/18 (MOD15, C3, SF2, 27)

<sup>935</sup> PV 025289/17 (MOD15, C20, SF2, 2a)

<sup>936</sup> PV 31637/17 (MOD15, C20, SF1, 16) and PV 45254/17 (MOD15, C21, SF1, 2C)

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On 19 March 2016 Ossama Krayem is filmed in the Porte de Namur metro station with Ibrahim EL BAKRAOUI (PV 30774/17) . He had just returned from the Blokker shop on the Chaussée d'Ixelles where he bought three 30-litre dustbins <sup>937</sup>.

On 21 March 2016 at 16:53, Osama KRAYEM is filmed by the surveillance cameras of the City2 where he buys the two Karrimor backpacks which are used the next day to transport the bombs to the Pétillon Metro station<sup>938</sup>.

Other members of the group also bought precursors around this period :

As a matter of fact, the owner of Brico Pala in Schaerbeek, Mevlüt PALA, revealed that on 5 March 2016, a man wearing glasses and a wig bought 10 litres of sulphuric acid and 10 litres of acetone in 1 litre cans<sup>939</sup>.

Similarly, on 7 March 2016, Ibrahim EL BAKRAOUI bought cans of sulphuric acid at Midi-Brico 2000 and shortly before 10 March 2016 he was seen by the concierge of rue Max Roos with three other people, entering the building carrying white cans<sup>940</sup>.

## 2°. The production of TATP

Although Osama KRAYEM denies it, his knowledge of explosives<sup>941</sup> is an asset for the cell.

Photographs found on his Facebook account attest to his presence in a house where explosives are made. When asked about this, he explains that when he was injured in January 2015, he went to help make make explosives. He says that in the house in which he is photographed, other types of explosive devices were being made, including belts for martyrdom operations and other IEDs.

But he denies having learned to make TATP or having made bombs in Belgium <sup>942</sup>.

In contrast, Mohamed ABRINI stated during the reconstruction<sup>943</sup> , that he saw Osama KRAYEM *"several times in the lab "* <sup>944</sup> , or even gave *"from time to time a helping hand in the production process, such as filling the cups with ice cubes, doing chores (throwing away the rubbish, emptying the water, cleaning out the bins)"*<sup>945</sup>. Furthermore, Mohamed ABRINI also states that one day there was a fire in the flat in Max Roos Street.

<sup>937</sup> PV 32174/16 (MOD15, C11, SF1, 30)

<sup>938</sup> PV 013038/16 (MODE, CI, SF9, 18) '

<sup>939</sup> PV 19181/16 (MOD15, C5, SF1, 22B)

<sup>940</sup> PV 013027/16 (MOD14, C12, SF1, 22)

<sup>941</sup> Cf. his presence in Syria during the manufacture of anti-tank bombs.

<sup>942</sup> PV 015937/16, MOD9, C5, SF1, 4

<sup>943</sup> Reconstruction report (Max Roos), MOD 11, C2, SF 10, 9

<sup>944</sup> i.e. the part of the flat that was specifically reserved for the manufacture of TATP

<sup>945</sup> PV 21311/16, MOD 9, C4, SF1, 6

*« While I was on the bike doing sports, I hear a strange noise. There were KRAYEM, LAACHRAOUI and EL BAKRAOUI Ibrahim in the kitchen. In fact, as KRAYEM explained to me, they were sending syringes containing the heated acid into the jars. At the same time they had to mix and add ice cubes. At some point it caught fire and exploded. KRAYEM burned his face. So I opened the door of the room, which I had previously closed, and I felt heat everywhere. I immediately closed the bedroom door and asked what was going on. They were throwing water, but the more water they threw, the more it made the fire worse. So they threw the jars on the ground. I remember that KRAYEM was burnt on his face and EL BAKRAOUI on his hair. EL BAKRAOUI went to the pharmacy on duty to get creams and ointments. He had long hair but at that time he cut it because he had burnt it »<sup>946</sup>.*

Osama KRAYEM denies having burned himself. But the incident is substantiated by several investigative elements:

- On the evening of 14 March 2016, the tenants on the fourth floor called their landlord when they noticed water<sup>947</sup> seeping through the ceiling causing a flood in the kitchen <sup>948</sup>. The next day, the owner Bruno ARAUJO DA SILVA and the caretaker, Alexandrino Manuel RODRIGUES DA COSTA PEREIRA, came to see the damage and rang the doorbell of the conspiratorial flat. Only limited access to the kitchen is given after several minutes of waiting <sup>949</sup>.
- That same evening, between 10:30 pm and 11 pm, images from the Diamant metro captured the presence of Ibrahim EL BAKRAOUI carrying a pharmacy bag. Thanks to the testimony of the pharmacist on duty in the neighbourhood, the investigators highlighted that he had come to buy a box of Cutiplast<sup>950</sup> bandages and Flamige<sup>951</sup> anti-burn ointment.
- The following day, on the 15th of March 2016, Osama KRAYEM was received by Hervé BAYINGANA MUHIRWA. According to the latter<sup>952</sup>, Osama KRAYEM was not wearing a plaster, but he had a red stain on his face.

<sup>946</sup> PV 21311/16, MOD 9, C4, SF1, 6

<sup>947</sup> PV 13965/16, MOD6, C5, SF3, 24 and PV 13027/16, MOD6, C7, SF1, 26

<sup>948</sup> Hearing of the witness BEKKALI Mohamed, PV 035919/20, MOD15, C31, SF3, 74

<sup>949</sup> The caretaker states: « I had to insist at the door of the flat for someone to open it for me. It took at least fifteen minutes before he opened the door. I then went into the kitchen without going into the living room and the dining room. I only noticed that the doors to the dining room and the bedroom were closed. I even remember telling him to open the doors, so he would have more light.

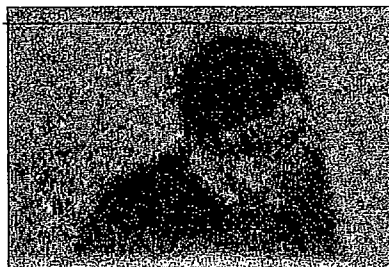
I felt this person was quite nervous when the owner and I entered the flat (...) We then left the flat as we did not notice any water leakage. I remember telling the landlord that there was a bad smell in the flat, but we couldn't identify it. » (PV 13027/16, MOD14, C12, SF1, 22)

<sup>950</sup> Which is found in the flat of the rue Max Roos.

<sup>951</sup> PV 27629/17 (MOD15, C19, SF2, 4)

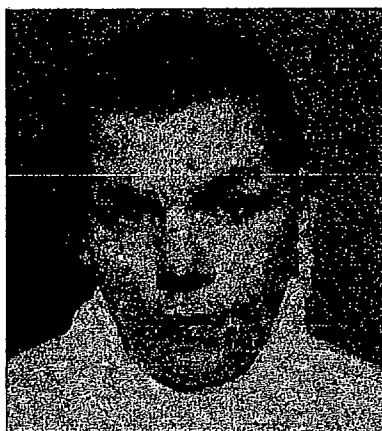
<sup>952</sup> Interrogation report IJ of 29 September 2017, MOD9, C4, SF2, 12

- On 16 March 2016 at 21:16, Osama KRAYEM was wearing a bandage on his cheek when he entered the building on Avenue des Casernes accompanied by Khalid EL BAKRAOU<sup>953</sup>. Osama KRAYEM claims that these wounds were caused by "mushrooms around the mouth (oral thrush)"<sup>945</sup>.



- Furthermore, Smail FARISI explains that when he first met Osama KRAYEM, "he had white ointment on his lip".<sup>955</sup>

- Finally, the photographs of Osama KRAYEM taken on the day of his interception still reveal the presence of lesions on his right cheek.



On 2 February 2018, the investigating judges appointed a forensic doctor to analyse the photograph of Osama Krayem taken at the time of his interception and to explain the origin of the injuries. His expert report first describes contused, ecchymotic swelling-type lesions, but also notes a more oozing appearance. He then points out that "*a burn cannot be formally excluded*".<sup>956</sup>

<sup>953</sup> PV 006379/19 (MOD15, C28, SF1, 1)

<sup>954</sup> PV 39139/16, MOD9, C5, SF1, 7

<sup>955</sup> PV 15864/16, MOD15, C2, SF2, 42

<sup>956</sup> PV Forensic expertise by Dr SCHMIT of 27 February 2018 (MOD7, C9, SF6, 4) and PV 29162/18 (MOD15, C26, SF1, 12).

The lesions observed also do not appear to him to be compatible or typical of the presence of fungi, as stated by the defendant.

c) Avenue des Casernes

After having been accommodated during the night of 15 to 16 March 2016 at the home of Hervé BAYINGANA MUHIRWA, Osama KRAYEM accompanies Khalid EL BAKRAOUI to stay in the flat of Smail FARISI.

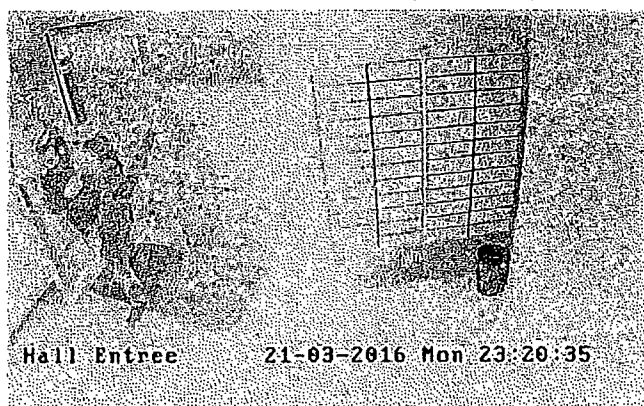
His presence there is noted by the cameras installed in the building from 16 March 2016 at 9:16 pm onwards <sup>957</sup>.

Osama KRAYEM does not leave the flat on 17 and 18 March 2016.

From 19 March 2016, he used his afternoons to go and help Ibrahim EL BAKRAOUI to buy the material needed to make bombs as well as two backpacks. He goes back to stay at the Avenue des Casernes, sometimes bringing food to Khalid EL BAKRAOUI.

During the night of 21 to 22 March 2016 at 22:15<sup>958</sup>, and then at 00:21<sup>959</sup>, Osama KRAYEM brought the two bombs he had made in Rue Max Roos to the Avenue des Casernes. They were placed in the backpacks that he had bought on 21 March 2016

Osama KRAYEM knows what's in those backpacks. According to his confession, LAACHRAOUI explained to him how to connect the bombs so that they could explode.



957 PV 19825/16 (MOD15, C5, SF2, 13A)

958 The time of 11:20 p.m. in the photograph corresponds, after re-framing, to 22:15 pm (PV 006379/19, MOD15, C28, SF1, 1)

959 Images of 01 :07 hours prior to reframing of the hour indication/timestamping.

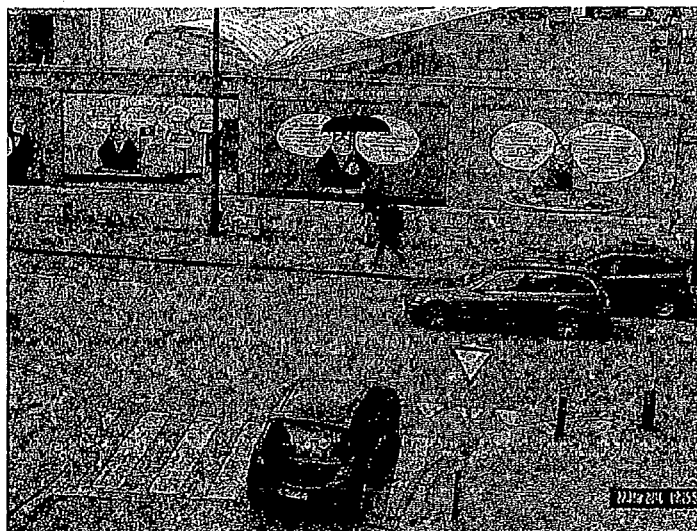




On the morning of 22 March 2016, Osama KRAYEM pierces the jackets in order to insert the cables for the electrical wires connected to the bombs placed in the backpacks. The departure of Osama KRAYEM and Khalid EL BAKRAOUI is filmed at 08:19<sup>960</sup> by the cameras. Osama KRAYEM walks ahead of Khalid EL BAKRAOUI as they leave the building.

It takes them about 30 minutes to get to the Pétillon metro station.

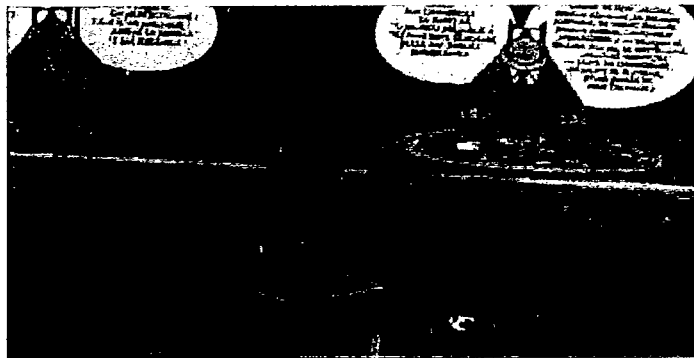
The investigation allowed us to capture the presence of both of them on the road, walking towards the Pétillon station. Their backpacks seem to be quite heavy.



<sup>960</sup> Image taken at 08:27 hours, PV 14044/16 (MOD6, C3, SF1, 52).

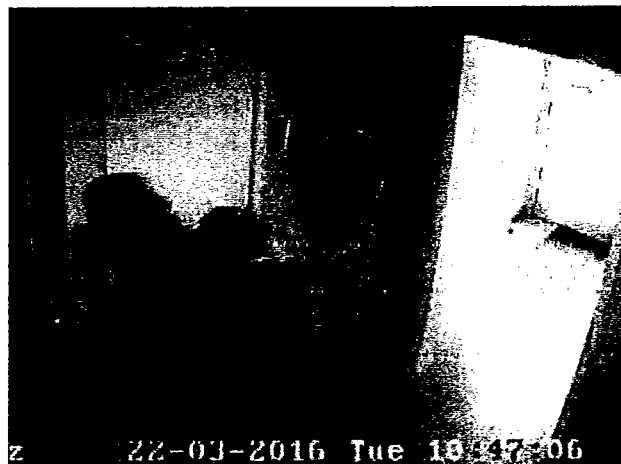
During their trajectory, Osama KRAYEM asks a passer-by for the way to the metro <sup>961</sup>. At a given moment, Khalid EL BAKRAOUI leans over his tablet and shows Osama KRAYEM that they have struck in Zaventem <sup>962</sup>. Once they were in proximity to the metro, Osama KRAYEM connected the battery intended to allow Halid EL BAKRAOUI to detonate his bomb, but he did not have his own battery connected. « *Khalid wanted to do the same for me and I told him it was already done. My battery was not connected. It was a lie* » <sup>963</sup>.

Arriving at the metro, after a brief discussion, Khalid EL BAKRAOUI enters the station, alone. Osama KRAYEM reversed his steps and went back the way he came towards the flat of the Avenue des Casernes <sup>964</sup> where he arrived about 53 minutes later.



At 9:10 a.m., Halid EL BAKRAOUI detonates his bomb in the Maelbeek metro station.

At 09:42 <sup>965</sup>, Osama KRAYEM enters the building on Avenue des Casernes, still carrying his backpack.



<sup>961</sup> Hearing of Emmerson DUSSART, PV14053/16, MOD3, C8, SF1, 17

<sup>962</sup> Hearing of 7 November 2016 with IJ PANOU, p7/16 accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>963</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>964</sup> PV 14044/16 (MOD6, C3, SF1, 52)

<sup>965</sup> Images of 10 :47 hours, prior to reframing of the time indication/timestamp.



Osama KRAYEM explains that, back in the flat,

*« I took the bomb out of the backpack, opened it and used an oval Jorme plastic dish to pour the powder into the toilet. I put the powder onto the dish and then into the toilet. It took me about twenty minutes because I had to wait for the flush to refill with water. I had started to get rid of the powder in the shower in the flat but it was taking too long so I chose to pour it into the toilets »<sup>966</sup>.*

He washes the dish, leaves the bag in the flat and takes with him « *the lids, the electrical wires fits and the cylinder* ».

At 11:05, or 1h23 minutes later, he leaves the building after changing his clothes. He carries a green plastic bag in his hand <sup>967</sup> and is dressed in a dark quilted jacket.



Osama KRAYEM takes his building access badge with him, takes a taxi and gets a haircut.

In a phone shop on Avenue Voltaire, he uses the Facebook account "ÖZZ ÖZZ" <sup>968</sup> to get in touch with his family in Sweden via "acquaintances in Syria", he says<sup>969</sup>. The user of the Facebook account "ÖZZ ÖZZ" appears as a new friend of his brother Anas on Facebook.

#### dl Rue du Tivoli

Having already spent the night of 15 to 16 March 2016 in Hervé BAYINGANA MUHIRWA's flat after the police intervention in Rue du Dries, Osama KRAYEM decided, as did Mohamed ABRINI, to go back and take refuge in this hideout on 22 March 2016.

<sup>966</sup> PV 15937/16, MODI5, C3, SF2, 11

<sup>967</sup> PV 019825/16 (MODI5, C5, SF2, 13A)

<sup>968</sup> PV 15278/16 (MODI5, C2, SF2, 9)

<sup>969</sup> He further specifies : « *These are acquaintances from Syria. Indeed, after the attacks, in order to avoid problems for my brother if I went directly via him, I preferred to use these persons as intermediaries* » (PV 17683/18, MOD9, C5, SFI, 16).

Mohamed ABRINI states that he arrived<sup>970</sup> at the home of "Amine" only after Osama KRAYEM<sup>971</sup>.

Hervé BAYINGANA MUHIRWA accommodates him for 17 days, allows him to use his computer, feeds him and provides him with a tablet. In this flat, Osama KRAYEM leaves his fingerprints on two Korans. His DNA is found on everyday objects, on a set of headphones and on a USB stick.

Osama KRAYEM logs into his Facebook account from the address of Hervé BAYINGANA MUHIRWA<sup>972</sup>; he gets in touch with his family in order to try to reach Sweden with, if necessary, false papers.

In order to protect Hervé BAYINGANA MUHIRWA, he states that he also connected to the internet from a phone shop called "ESSAF" located on Avenue de Stalingrad « *I sent a message from somewhere else (than from AMINE's place) so that Amine would not have any problems (...). It was me who asked AMINE to take me to an Internet shop. He took me there* »<sup>973</sup>.

The flat being too small for three people, Osama KRAYEM gives the entrance badge of the flat in the Avenue des Casernes to Mohamed ABRINI so that the latter can stay there.

On 6 April 2016, Hervé BAYINGANA MUHIRWA provides Osama KRAYEM with a phone and a phone recharge for the tablet<sup>974</sup>.

During the evening of 7 April 2016, Hervé BAYINGANA MUHIRWA came to pick up Osama KRAYEM in the vicinity of the Andalusia snack bar located in the Avenue de Stalingrad quarter and took him to the area around the Parc of Laeken. Osama KRAYEM spends the night outside:

*«I told him that I didn't want to go home and he said that he knew a place and that he would drive me there and that he would come back to pick me up the next day. After that I didn't stay in the park. I went back to Stalingrad. I looked at the bus routes to get closer to Stalingrad and I finally went there on foot...(...) I hung around in the neighbourhood... Then about half an hour before the dawn prayer, the mosque opened and so I went back there »*<sup>975</sup>.

*« I walked back to Amine's house at about 10 am, alone. Amine was asleep when I got back and I woke him up. I changed my clothes, we went out because I wanted to buy a suitcase to carry my stuff for my trip back to Sweden. »*<sup>976</sup>.

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<sup>970</sup> ABRINI falsely claims that it is only the next day that KRAYEM joins rue du Tivoli. KRAYEM confirms that it was on 22 March 2016 (and that he arrived there before KRAYEM: PV 051490/16, MOD 9, C5, SFI, 11).

<sup>971</sup> PV 18778/16 (MOD9, C4, SFI, 4)

<sup>972</sup> Note SE 6 April 2016 (MOD 15, C2, SF2, 1) and PV 15404/16 (MOD11, C1, SF3, 1)

<sup>973</sup> PV 39139/16, MOD9, C5, SFI, 7

<sup>974</sup> PV 18837/16 (MOD15, C5, SFI, 12) and PV 18999/18 (MOD15, C25, SF2, 11)

<sup>975</sup> PV 17683/16, MOD9, C5, SF 1, 16

<sup>976</sup> PV15773/16 (MOD15, C2, SF2, 19)

Hervé BAYINGANA MUHIRWA and Osama KRAYEM were observed on the morning of 8 April when they returned to the Avenue de Stalingrad quarter where they were arrested.<sup>977</sup> Osama KRAYEM is the passenger in the Clio<sup>977</sup> driven by Hervé BAYINGANA MUHIRWA.

**Analysis of the jacket worn by Osama KRAYEM on the day of his arrest**

The jacket worn by Osama Krayem at the time of his arrest on 8 April 2016 shows white spots and perforations. The laboratory of the Royal Military School in Brussels was commissioned to analyse the perforations in the fabric that had been visibly burnt or damaged by a corrosive product<sup>978</sup>.



The expert concludes on 6 December 2018 that the presence of sulphate ions in significant quantities, combined with the visual appearance of the areas where the samples were taken, strongly suggests that these areas were exposed to sulphuric acid, which is a component of TATP<sup>979</sup>.

Osama KRAYEM defends himself by claiming that it is Khalid EL BAKRAOU<sup>980</sup>'s jacket, which he had put on by mistake.

<sup>977</sup> PV 16628/16 rectifying the PV 15731/16

<sup>978</sup> PV 041755/18, MOD15, C26, SFI, 42C.

<sup>979</sup> The expertise of the Royal Military School is annexed to the PV 041755/18, MOD15, C26, SFI, 42C

<sup>980</sup> PV 008605/19 (MOD9, C5, SFI, 19)

### 3. His Facebook accounts

Osama KRAYEM successively used several Facebook accounts. Some of these were closed prior to the period here in question<sup>981</sup>.

On 22 March 2016, Osama KRAYEM changed the name of an account he had been using for a long time, in order to establish contact with his brother, using a new alias.

Other accounts were closed after 22 March 2016.

The investigation has identified and analyses the following relevant profiles:

#### a) The Facebook account opened under the alias of « osama.krayem9 »

This account informs us that Osama KRAYEM is in Raqqa on 16 February 2015.

He exchanges several conversations with his family, which reveal his warlike activities<sup>982</sup>, as well as his embeddedness in violent jihadist ideology.

Numerous photographs appear of Osama KRAYEM alone or with others, in civilian or even military clothing, sometimes with his index finger raised to the sky or carrying a weapon, notably in front of the flag of the terrorist group Islamic State.

Osama KRAYEM talks about his meeting with EL ADNANI and his intention to commit a suicide attack.

Osama KRAYEM closes this account on 29 March 2016<sup>983</sup>.

Another of his Facebook accounts, "Abu Omar Swe"<sup>984</sup> was created on 8 July 2015 and was closed on 27 March 2016. This account was used, in particular, to communicate with members of his family..

#### b) The "Malek Salle" then "ÖZZ ÖZZ" profile

This profile is linked to the email address vamoslobos.10@gmail.com created on 17 September 2015 in order to use Facebook<sup>985</sup>. Its user is first identified under the name of « Malek Salie », and later on under the name of « ÖZZ ÖZZ »<sup>986</sup>,

<sup>981</sup> For example, the profile ID 100003035704743, created on 29 March 2014 in Malmö. No name or nickname is given. It contains messages about a rally in support of Palestine and about conferences on Islam in Sweden (PV8751/18, MOD15, C24, SF1, 5).

<sup>982</sup> Including the one where he appears to be making improvised explosive devices in a building (see above and PV 10872/18, MOD15, C24, SF1, 34B)

<sup>983</sup> PV 8751/18 (MOD15, C24, SF1, 5)

<sup>984</sup> PV 27487/17 (MOD15, C19, SF2, 2)

<sup>985</sup> PV 007805/18 (MOD15, C23, SF1, 3), PV 1218/17 (MOD 15, C15, SF2, 3), PV 8791/18 (MOD 15, C 24, SF1, 6), PV 3628/18 (MOD 15, C22, SF1, 18B), PV 15278/16 (MOD 15, C2, SF2, 9) and PV 15404/16 (MOD 11, CI, SF3, 1)

<sup>986</sup> PV 007805/18 (MOD15, C23, SF1, 3)

The automatic recording of Internet browsing data makes it possible to follow the journey undertaken by Osama KRAYEM from Syria to Europe.

There are also Google searches on "Sofien AYARI", "Jihadi John", "ISIS", the pro-Islamic State website "Isdarat" as well as Swedish news sites.

And on 22 September 2015, while still in Turkey, Osama KRAYEM inquires about the prison sentences imposed on terrorists <sup>987</sup>.

In Belgium, Osama KRAYEM uses this account from several different addresses:

He was doing research on his sister Assma and his brother Anas during the night of 17 to 18 March 2016 when he was at Smail FARIS's place <sup>988</sup>.

On 22 March 2016 at 12:58 hours<sup>990</sup>, Osama KRAYEM uses the Facebook account named « ÖZZ ÖZZ »<sup>989</sup>, in a phone shop in the avenue Voltaire<sup>991</sup>.

The "ÖZZ ÖZZ" account makes use of the IP address of Hervé BAYINGANA MUHIRWA's domicile on eleven occasions between 24 March 2016 and 3 April 2016<sup>992</sup>.

It also logs in from the phone shop on Avenue de Stalingrad in Brussels between 3 and 5 April 2016.

His brother Anas KRAYEM accepts him as a "friend" on Facebook in early April 2016. On 3 April 2016, Osama KRAYEM sends him a first message, encoded and written in Swedish:

*« I have to write this for your sake and mine, no one else may know: I trust you, I have a scar on my forehead, I had two other Belfort watches, one black and one silver, and I used to hang out with a person he was obese and did a thing and became thin, if you recognise me, just write the second letter of my first and last name, I need a little of your help »<sup>993</sup>.*

This is how Osama KRAYEM is trying to organise his return to Sweden in a very discrete way <sup>994</sup>. He asks his brother to undertake a number of steps in order to come and pick him up in Brussels <sup>995</sup>.

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<sup>987</sup> PV 007805/18 (MOD15, C23, SF1, 3)

<sup>988</sup> PV 008791/18, MOD 15, C24, SF1, 6

<sup>989</sup> PV 15278/16 (MOD15, C2, SF2, 9)

<sup>990</sup> PV 8791/18, MOD15, C24, SF1, 6

<sup>991</sup> PV 019825/16 (MOD15, C5, SF2, 13A)

<sup>992</sup> Generally, when BAYINGANA was working (PV 8791/18, MOD 15, C24, SF, 6)

<sup>993</sup> PV 1218/17, MOD15, C15, SF2, 3

<sup>994</sup> Indeed, on the following day, by way of response to this message, Anas KRAYEM replies to his brother with the following message : « SR » (PV 001218/17, MOD15, C15, SF2, 3).

<sup>995</sup> PV 8480/17 (MOD12, C2, SF3, 11)

*« take the bus and come to the house of this guy Edouard Agneessens in the capital. I hope you understand. come if you have id card and passport (...) I'll give you some money when you come to take the bus to a station first letter G nord (...) ask the little guy if he can meet the guys at b sofia ».*

They agree to open an email address in order to exchange their respective phone numbers<sup>996</sup>. This is how the address "omar.abdelkhader@gmail.com" is finally created on 5 April 2016 from a phone-shop located on Avenue de Stalingrad in Brussels<sup>997</sup>.

On 6 April 2016, the user of the email address "akakr@outlook.com" sends the Swedish phone number "46729261341" to omar.abdelkhader@gmail.com.

Thanks to the telephone investigation carried out on this number<sup>998</sup>, the investigators were able to identify the Belgian number "32485388651", used by Osama KRAYEM<sup>999</sup> who, on 7 April 2016, contacts his brother Anas..

#### **4. Analysis of the SAMSUNG Galaxy Tab A tablet**

This tablet, seized from Hervé BAYINGANA MUHIRWA's Renault Clio vehicle at the time of their arrest, contains a Lycamobile SIM card corresponding to the phone number "32465461685"<sup>1000</sup>.

The search of the home of Hervé BAYINGANA MUHIRWA<sup>1001</sup>, during which the packaging box and the cash register receipt were found, revealed that it had been purchased on 6 April at 6:42 pm in the Media Markt in the Rue Neuve.

This tablet was used for the first time on 6 April 2016 at 20:16 hours.

The Lycamobile SIM card holder linked to the tablet was also found at **Hervé BAYINGANA MUHIRWA's** home.

Several apps to surf on the Internet anonymously, such as "Share it" and "Torrent" (remote hosts), were installed on the tablet.

The searches made on the Internet using the tablet are mainly in Swedish.

Numerous photographs of houses for sale or for rent in Belgium were found<sup>1002</sup>. Osama KRAYEM says he was looking for hotels outside Belgium. He also states that there was a hidden code in the memos on his tablet, which was intended to retrieve the phone number of his brother Anas:

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<sup>996</sup> PV 15436/16 (MOD10, CI, SF9, 1)

<sup>997</sup> PV 3628/18 (MOD15, C22, SF1, 18B)

<sup>998</sup> PV15436/16 (MOD10, CI, SF9,11)

<sup>999</sup> PV 15615/16 (MOD10, CI, SF7, 1)

<sup>1000</sup> PV 018106/16 (MOD15, C4, SF2, 38) and PV 7806/18 (MOD15, C23, SF1, 4)

<sup>1001</sup> PV 015786/16 (MOD15, C3, SF1, 53A)

<sup>1002</sup> PV 17683/18 (MOD9, C5, SF1, 16)



*« I have to remove or add a digit to this encoding to get the right number of my brother»<sup>1003</sup>.*

##### **5. His use of telephone communication**

The investigation determined that Osama KRAYEM used two separate telephone numbers in Belgium: '32486388651' (in a NOKIA 105 RM mobile phone) and '32485782941' (in a SAMSUNG E1205T mobile phone).

As these phones are not smartphones, Osama KRAYEM was unable to access the Internet via these two numbers. No communication could be captured by the wiretaps ordered on these two numbers.

###### **a) The SIM card with n° « 32486388651 »**

The number "32486388651" is a prepaid base card for which the holder could not be identified.

This number was activated on 13 February 2016 and stored in a NOKIA 105 phone.

Only 2 calls were made from this number, both to the Swedish number "46729261341" on 7 April 2016 at 15:49 and 16:49 hours.

This Swedish number is that of his brother Anas KRAYEM. The two brothers therefore had contact with each other on 7 April 2016 (see above).

###### **b) The SIM card with n° « 32485782941 »**

The SIM card with number "32485782941", identified by the State Security<sup>1004</sup>, was inserted in a SAMSUNG mobile phone.

This mobile phone and its SIM card were found in Osama KRAYEM's possession at the time of his arrest.

A top-up of EUR 15 for this number was found during the search of Hervé BAYINGANA MUHIRWA's home.

Only two calls were made from this number "32485782941", both to the Swedish number of Anas KRAYEM (the "46729261341" number), also on 7 April 2016, at 18:17 hours (for a duration of 7 sec.) and at 18:18 hours (for a duration of 110 sec.). The antennas activated were, respectively, the antenna located at Porte de Hal in Saint-Gilles and the one located at Rue Terre-Neuve.

<sup>1003</sup> PV 23397/16, MOD 9, C5, SF1, 6

<sup>1004</sup> Note SE of 4 April 2016, MOD15, C2, SF2, 5



c) The SIM card with n° « 32465461685 »

Unlike the previous two SIM cards, this SIM card allowed the use of the Internet <sup>1005</sup>. This Ortel SIM card was inserted in the Samsung tablet seized from Hervé BAYINGANA MUHIRWA's vehicle at the time of their interception and was mainly used for VOIP communications <sup>1006</sup>.

This card was activated on 29 January 2016<sup>1007</sup>. At that time, the relay antenna was located in Rue du Haerne in Etterbeek, in the area covering Avenue des Casernes. After activation, this SIM card is only used from 6 April 2016 onwards.

**6. Use of the cell's computers by Osama KRAYEM**

a) Computer found in rue du Dries

On this computer, which is accessible to everyone and has no password, several "Omar" (i.e. Osama KRAYEM) files are found, located next to files labelled "Ikrima" (LAACHRAOUI), "Salah, "Pour AbdRahmane" (i.e. Salah), and "Abdelaziz" (i.e. Belkaid).

There is also a folder entitled "omar", which contains videos.

Several documents written in English relating to weapons, combat, silencing, military training and so on, may be of particular interest to him, as he has good command of English. The same applies to sermons or preachings in Arabic, which are also found on this computer.

b) Computer found in rue Max Roos

Osama KRAYEM appears at least 3 times under his kunya of Abu Omar in the files found on the computer recovered from the dustbin in Max Roos Street:

It is indeed mentioned in a first document written in Arabic and entitled « *manuscrit d'Abou Omar, Hamza et Abdelaziz* »:<sup>1008</sup>.

In this document, Sofien AYARI, Mohamed BELKAID and Osama KRAYEM explain that they wish « *to be elected as his soldiers who will triumph and avenge the religion, our blood and our honour* » and ask for instructions: « *with regard to the work, we want to know how and in what way to organise ourselves...*

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<sup>1005</sup> PV 18837/16, MOD15, C5, SF1, 12

<sup>1006</sup> "Voice over Internet Protocol" technologie permettant de téléphoner par Internet

<sup>1007</sup> Sur un appareil qui avait permis, la veille, d'activer une autre carte SIM enregistrée au nom de Patrick VIVIER, qui semble étranger à ce dossier

<sup>1008</sup> PV 016132/16 (MOD15, C3, SF2, 24); 5227/18 (MOD15, C22, SF2, 3A), PV 003089/18 (MOD15, C22, SF1, 16A); annexe de son audition PV 21986/18 (MOD 9, C5, SF1, 17).

*with the will of Allah, will we go out together or will there be those who will leave earlier and others later ».*

A second document carries his nickname/surname: Entitled « hamza omar.txt », this document was accessed on 14 March 2016 at 1:07 a.m. along with other documents<sup>1009</sup> and then placed on the "virtual hard drive "T:", "0:" L:", probably as a result of the use of TrueCrypt encryption software".

The "Audio Message" transcription mentions that after the arrest of Salah and Sofien AYARI, Abu Omar {Osama KRAYEM} is lodged with Khalid EL BAKRAOUI: « *In any case, there is Abu Yahya here, who is also determined, and he says hello to you too. Abu Walid is in another hideout with Abu Omar... ».*

#### c) The computer of Hervé BAYINGANA MUHIRWA

Analysis of internet traffic<sup>1011</sup> from the Lenovo computer seized from Hervé BAYINGANA MUHIRWA gives an overview of the websites consulted in Swedish from 18 March 2016 onwards.

This mainly concerns the consultation of:

- 
- The daily newspaper AFTONBLADET {and other newspapers published in Malmö}, translation sites for following the Belgian press (e.g. an OH article on the "Maelbeek terrorist" and another on an attack by the Islamic State terrorist group in Diyarbakir, Turkey) or
- sites directly published by the Islamic State group {including sites on the attack in Belgium},
- sites for uploading Swedish subtitles of films, searches on the sale of computers, and, starting from 6 April 2016<sup>1012</sup>,
- a video on YouTube entitled "Lycamobile: Sim activation with new phone number" and another entitled "How to set up 3G on lycamobile if go on lycamobile.co.uk Internet".

Access to these "Swedish" sites is made from Hervé's place of residence during 12 days starting from 18 March up to 6 April 2016.

#### E- THE STATEMENTS BY OSAMA KRAYEM

Osama KRAYEM varies in the statements he makes, depending on the elements that are presented to him. He sometimes changes his version and becomes irritated by the questions asked by the investigators when they raise certain points that he does not want to elaborate on.

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<sup>1009</sup> The files « *pour abo walid.txt* », « *walid.txt* » and « *lkrimah.txt* ».

<sup>1010</sup> PV 42297/16, MOD 15, C13, SF2, 1

<sup>1011</sup> PV 37420/17 (MOD15, C20, SF2, 15A) - analysis PV 15409/17 (MOD15, C19, SF1, 7N)

<sup>1012</sup> or on the day of purchase of the tablet and the top-up of the SIM card that is inserted in it.

He makes a lot of deductions from the information he is presented with during the interrogations, such as « I deduce that..., I understand that..., I think that..., I believe that... » or takes ownership of the information collected.

### **1. Concerning his personal convictions and beliefs**

*« I am a Salafist jihadist »<sup>1013</sup>.*

*« I am a soldier of Daesh. I adhere to its philosophy unconditionally, although I do not condone certain acts »<sup>1014</sup>.*

*« To be able to understand me, you would have to be an imam, so that we can understand each other and speak the same language. You don't have a global knowledge of the religion »<sup>1015</sup>.*

*« here are things I can't talk about because it might work against me. There is no one who is 100% sincere with the police »<sup>1016</sup>.*

*« I still have no regrets, but I am amazed to know how I was in this world »<sup>1017</sup>.*

*« Sometimes I wish I could go back there. I'd rather be dead there than here in prison »<sup>1018</sup>.*

*« yes, I still adhere to the ideas of the Islamic State »<sup>1019</sup>.*

*« I was a member of the Islamic State. I merely carried out lookout missions »<sup>1020</sup>, also explaining in the Facebook message sent to his brother Anas that « these miscreants are our enemies, hate them but do not show it », he says at the hearing:*

*« you inform me that these words are violent. Don't forget that I am from the Islamic State. What do you expect from me? You should not be shocked. You must have heard how the Islamic State addresses Westerners. In Islam, a disbeliever is a person who does not believe in God. If you read the Koran, you won't find it strange. It is in the Koran. (...) Une personne en liberté*

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<sup>1013</sup> PV 15773/16 (MOD15, C2, SF2, 19)

<sup>1014</sup> Interrogation report by IJ PANOU of 8 November 2016, accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1015</sup> PV 17683/18 p 17/22 (MOD9, C5, SF1, 16)

<sup>1016</sup> PV 17683/18 p 14/22 18 (MOD9, C5, SF1, 16)

<sup>1017</sup> PV 17683/18 p 14/22 (MOD9, C5, SF1, 16)

<sup>1018</sup> PV 17683/18 p 14/22 (MOD9, C5, SF1, 16)

<sup>1019</sup> PV 51490/16, MOD9, C5, SF1, 11

<sup>1020</sup> PV 16641/16 accompanied by PV 42092/16 p 4 (MOD9, C, SF1, 9)

*A person at large would never take the risk of explaining to you what I have just said. I understand that you see something dangerous, serious, extremist in these wordings »<sup>1021</sup>.*

## **2. Concerning the cell's objectives**

Osama KRAYEM denies being sent to Europe « *with a view to committing terrorist attacks* ». It was "by mere chance" that he came across members of the Islamic State terrorist group<sup>1022</sup>.

During his hearing on 8 November 2016, Osama KRAYEM explained to investigating judge PANOU, while referring to Ibrahim EL BAKRAOUI :

*« After the Paris attacks I realised that this person, contrary to what I thought, was capable of doing inconceivable things. I understood that I was going to be used to get things further done. I was always accompanied by Salah or Abrini or others »<sup>1023</sup>.*

When asked about the reactions of the group in the hypothesis that he would have expressed his wish to leave the cell or simply go home, Osama KRAYEM replies:

*« Before the Paris attacks, there was nothing, I didn't expect them to go that far. After the Paris attacks, it was a point of no return, I couldn't go back »<sup>1024</sup>.*

Osama KRAYEM does not confirm the Euro 2016 target as mentioned by Mohamed

**ABRINI:**

*« Ibrahim told me that something would happen here: When I left Forest to go to Max Roos. (...) he did not tell me about the targets He just told me that something was going to happen here in Belgium »<sup>1025</sup>.*

The intention to kill and die in a violent project appears in the wills written by several members of the group. Osama KRAYEM explains that he did not draw up a will because, as he says, « *I wasn't planning to die* »<sup>1026</sup>.

He goes on to say « *It's not an obligation. It's none of their business, everyone is free to leave a will or not* »<sup>1027</sup>.

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<sup>1021</sup> PV 32579/17 (MOD9, C5, SF1 14)

<sup>1022</sup> PV 39322/16 (MOD9, C5, SF1, 8)

<sup>1023</sup> Interrogation report by du IJ PANOU, accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1024</sup> PV 051490/16, MOD9, C, SF, 11

<sup>1025</sup> Interrogation report by IJ PANOU 8 November 2016 accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1026</sup> Interrogation report by IJ PANOU 8 November 2016 accompanied by PV 47688/16, MOD9, C5, SF, 10

<sup>1027</sup> PV 051490/16, MOD9, C5, SF1, 11

However, the conversations he had on Facebook with his sister on 25 May 2015 prior to leaving Syria are tantamount to a testament.

The investigators note that Osama KRAYEM was favoured by the group, notably to make purchases alone and to accompany Ibrahim EL BAKRAOUI. In answer to their question : *« This implies that for them, your motives were clear and established, without ambiguities, wouldn't it? »*, Osama Krayem states :

*« yes I told them I was prepared to have myself exposed »* <sup>1028</sup>.

When questioned about the text *« manuscrit d' Abou Omar, Hamza et Abdelaziz »* in which the authors ask how they will have to organise themselves and act, he maintains that he did not write this document, but he indicates:

*« You have to know that before the attacks in Brussels, there was a project. I don't know what the plan was, but there was a plan. It wasn't for Brussels because Brussels wasn't planned prior to the arrests. It is indeed possible that the text refers to an action that was meant to take place elsewhere. One thing is certain: at that time, BELKAID was still alive »* <sup>1029</sup>

In his hearing of 31 May 2016, he stated that after BELKAID's death, when he arrived at the Avenue des Casernes, the plan for the attacks was well established:

*« it had been decided that I would go with Khalid to a metro station but we didn't know yet which one. On questioning: I don't know who decided that, it was Ibrahim I think, Khalid's brother. This project was decided maybe over the phone but I didn't hear anything in Tivoli. I think it was at Max Roos that the project was decided. The first time when I came to Max Roos from 'Jette' (read: Tivoli?)<sup>1030</sup>, that's when I first learned about the planned attack »* <sup>1031</sup>.

It would seem that he did not know that an attack was being prepared for Zaventem.

### **3. Concerning the preparation of explosives and bombs**

Osama KRAYEM indicates that he often left alone or with Ibrahim EL BAKRAOUI in order to make the purchases necessary for the manufacture of explosives. The explanation is simple:

*« Because Abrini's face is known, he is wanted. He was not supposed to go out, he was, just like Salah, banned from going out. Ayari, however, could go out, just like me. (...) »*

<sup>1028</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1029</sup> PV 21986/18, MOD 9, C5, SF1, 17

<sup>1030</sup> It seems that it is by mistake that he mentions "Jette" in his hearing

<sup>1031</sup> PV 23397/16, MOD 9, C5, FS1, 6.

*They had no other choice after the publication of the various photos. They needed help from someone unknown, so they counted on me »<sup>1032</sup>.*

As a matter of fact, he explains that during the day of 21 March, he made the following purchases: *« I leave Casernes, towards Max Roos, I receive the instructions, I go to get the bags and the dustbin, I return to Max Roos, there Ibrahim tells me that he needs a pot so I go on foot to get this pot. It was quite far. Then I come back (to) Max Roos, put the pot down and the first bag is read. I stay 5 minutes on the spot for LAACHRAOUI to explain to me how the connection is made, then I leave, I wait for the taxi for a long time and finally I take the bus »<sup>1033</sup>.*

But Osama KRAYEM claims not to have been involved in making the explosives <sup>1034</sup>. He denies that he was burned in the making of them :

*« These questions make me a bit angry and I tell you again and again that I did not participate in the making of these bombs »<sup>1035</sup>.*

In contrast, when questioned on 11 April 2016, Osama KRAYEM was able to explain in detail the assembly of the bombs:

*« The explosives were placed between two metal plates with a pot lid on either side. The central part was a malleable cylindrical tube. In the cylindrical tube was a plastic bag in which there was white powder, the bag had taken the shape of the cylinder, between the plastic bag and the metal there were nails, large screws and bolts. On the top lid, on the outside of the lid, there were two boxes attached with Scotch paper to hold the batteries. There were two cables running down each sleeve with push buttons at the end for triggering. The lid was just below the flap of the bag, easily accessible. Inside the white powder were two small ampoules »<sup>1036</sup>.*

He explains that on the morning of 22 March:

*« I was supposed to put the batteries in before I left the flat, the Kamikaze in the metro (Walid) had his batteries in, so he asked me to check if they were properly installed before he left the flat.*

*He thought my batteries were readily installed but he didn't check my bag. Je I'm not going to lie to you in fact, when he left for the metro station, the suicide bomber only had one battery installed and it was me who put the second battery on the way.*

*We stopped for a moment and I performed the handling on the street »<sup>1037</sup>.*

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<sup>1032</sup> PV 21986/18(MOD 9, C5, SF1, 17)

<sup>1033</sup> PV 21986/18(MOD 9, C5, SF1, 17)

<sup>1034</sup> PV 39139/16, MOD9, C5, SF1, 7

<sup>1035</sup> PV 39139/16, MOD9, C5, SF1, 7

<sup>1036</sup> PV 15937/16, MOD9, C5, SF1, 4

#### 4. Concerning his religious beliefs and concerning Islamic State

*« Islam is the religion practiced by my parents, it is the only one I know. I don't ask myself whether there is any good or bad. This is my religion and I accept it. The Islamic religion tells me what is good or not »<sup>1038</sup>.*

*« My source is the book, the Koran, and the prophetic word is what directs our life (...)*

*What the Islamic State says: you will see in history that in all the wars they have done in the past, the Muslims were never the first to resort to confrontation or provoke a war. Contrary to what is said in the Christian religion where one hits and you offer our cheek, we Muslims must defend our Muslim brothers when we are attacked, according to the prophetic narratives. We are one body so when a part of the body suffers we come to its rescue. When a Muslim asks for help from others, we are obliged to go to his rescue. This is to tell you why people are leaving. It is the jihad. It's not just Syria, Afghanistan or even prior to that. In the vision of the Islamic state it is either Muslim or non-Muslim. We are not interested in nations (French, Belgians, ...). It's the religious conviction that comes first. This is my understanding as well. Only the religion comes first and the Islamic state implements the religion.»<sup>1039</sup>*

*« Faith is what drives people to « resist », to enter into the enemy's territory without fear and to be ready to die. If I want to die, it is in a war, directly facing an enemy. Not here in Europe. In Syria you have the enemy in front of you. I can even pass the stage and go beyond, I can die. There I have an enemy shooting at me so I'm not going to give him flowers. Here it is the population. In Syria the population is not the enemy »<sup>1040</sup>.*

Osama KRAYEM does not hide the fact that he was a member of the Islamic State in Syria. When asked about this group by the examining magistrate, he replied:

*« If I didn't agree with their ideas, I wouldn't be there, but I don't agree with everything »<sup>1041</sup> « including the fact that he labelled certain scholars as apostates »<sup>1042</sup>.*

<sup>1037</sup> PV 15937/16, MOD9, C5, SF1, 4

<sup>1038</sup> PV 008607/19 (MOD9, C5, SF1, 20)

<sup>1039</sup> Interrogation report IJ PANOU, page 4 accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1040</sup> Interrogation report IJ of 18 October 2016, page 4 accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1041</sup> Interrogation report IJ, 9 April 2016, MOD9, C5, SF1, 2

<sup>1042</sup> PV 025346/16, accompanied by PV 42092/16, MOD9, C5, SF1, 9



## 5. Concerning the presence of weapons in the flats

« In Forest, I think there were explosives, Semtex, guns and weapons. There is a weapon that was not a Kalashnikov but looked very similar, a shotgun, a Glock. It was in Forest. There were always weapons. Every time I moved there, there were weapons »<sup>1043</sup>.

« In fact it was a person who was in Syria, who contacted EL BAKRAOUI to tell him that there was a bag in a forest with weapons (pistols), explosives, ammunition, (whole boxes of bullets). Ibrahim told me that and I saw it when Ibrahim brought the bags when we were all in Forest. There were only light weapons, no Kalashnikovs. I think that if there were Kalashnikovs in Max Roos, it was for a specific purpose and that the plans changed afterwards»<sup>1044</sup>.

« According to what he told me, after (the attacks) in Paris, (EL BAKRAOUI Ibrahim) told me that he went to Amsterdam to buy weapons. (...) We were in Forest, but I can't tell you the exact period »<sup>1045</sup>.

« I can't tell you when (EL BAKRAOUI Ibrahim) went to get these weapons. I learned this later, a long time after the Paris attacks. You moreover told me that the weapon he used in Paris came from Amsterdam »<sup>1046</sup>.

« Ibrahim EL BAKRAOUI had told me that he was going to look for these weapons in Holland. I don't have any more details (...) I don't know if he went alone or not »<sup>1047</sup>.

« The weapons that were in Max Roos, someone came and took them the night before the attack on the airport<sup>1048</sup>. Afterwards we didn't really have time to talk about it again. The people who knew about it died so we couldn't talk about it again.(...) I think that if there were Kalashnikovs in Max Roos, it was for a specific purpose and that the plans changed afterwards ».<sup>1049</sup>

The weapons present in the hideouts make it possible to « defend ourselves » he says to the investigation judge PANOU<sup>1050</sup>. But later on, he also adds :

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<sup>1043</sup> PV 31471/19, MOD21, C1, 22

<sup>1044</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1045</sup> PV 31471/19, MOD21, C1, 22

<sup>1046</sup> PV 31471/19, MOD21, C1, 22

<sup>1047</sup> Hearing report by IJ PANOU of 8 November 2016, accompanied by PV 47688/16. He repeats this in PV 31471/19, MOD21, C1, 22

<sup>1048</sup> But in a subsequent hearing, he said that this was an assumption on his part (PV 008605/19, MOD9, C5, SF1, 19)

<sup>1049</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1050</sup> Interrogation report of 7 November 2016 IJ PANOU, accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

*« You know there were a lot of last minute changes. I think the weapons that were in Max Roos were to be used for attacks, maybe like in Paris, first shoot people before blowing yourself up »*<sup>1051</sup>.

## **6. Concerning Mohammed AL-ADNANI**

He explained that he had met ADNANI personally on one occasion when the latter came to visit the house of the wounded. This meeting was *« fortuitious »* :

*« He came, sat down for a bit, talked and left. I used to go there a lot (to the house of the injured) to meet people, I liked to help people. I would stay there for a few days and then leave »*<sup>1052</sup>.

He affirms that ADNANI has nothing to do with the attacks. However, when asked by the investigators: *« If we understand correctly, ADNANI had an intermediary to communicate? »* He replies :

*« Yes, yes, of course, ADNANI did not communicate directly with EL BAKRAOUI. OUSSAMA ATAR had been in prison with ADNANI in Iraq in the past. I think it was at Kambuka in Basra. He explained to Ibrahim on several occasions how things were done in prison, how they threw juice on American soldiers etc.*

*ATAR Oussama was Ibrahim's uncle, they had contacts with each other and talked a lot. ADNANI did not know the target locations here, but he was given proposals and agreed or not.*

*The prison I am talking about with ADNANI and ATAR Ousamma, it is known, there have already been photos of it »*<sup>1053</sup>.

## **7. Concerning Mohamed BELKAID**

Osama KRAYEM first claims not to know him<sup>1054</sup>. He then explains that he met him for the first time in Jette and then in Rue du Dries in Forest.

*« He spoke classical Arabic, (...) I learned that he was of Algerian origin. I can't tell you anything about Paris because I met him first after the attacks. He said he lived in Sweden. He was a soldier of the Islamic State. He did not speak Swedish. He wasn't born there and I don't think he lived long in Sweden. I think he was just passing through and wanted to regularise himself in Sweden. He just told me that he had come to live in Sweden for a while. (...) He was of value. He had problems though*

<sup>1051</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1052</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1053</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1054</sup> PV 16641/16 accompanied by PV 42092/16 p 8 (MOD9, C, SF1, 9)

*with Swedish justice and police. He said he stole for a living. He has been in prison in Sweden »<sup>1055</sup>.*

Osama KRAYEM confirms that the « Abdelaziz » quoted in the message found in the laptop in rue Max Roos was Mohamed BELKAID and further adds:

*« I think he came here to Belgium to carry out an attack »<sup>1056</sup>.*

*« I saw him the first time when Khalid El Bakraoui and I went to Jette. He was in the car. He went to Syria, he was more into religion. A person who had stayed about 2 years out there on the spot »<sup>1057</sup>.*

*« I saw on the news that Belkaid had a beard and that he took up arms together with Laachraoui, so you could see that he was an important person. He told me that he was a soldier of Islamic state. I can't remember which region it was in because we didn't get into those details.*

*On questioning: With retrospect and, especially, by having seen the video he had posted having weapons it is clear that he had a mission in coming here but I have no idea of the mission as such. I don't know if he had a plan of his own or a plan for later I don't know »<sup>1058</sup>.*

*« BELKAID, it is true, wanted to be killed by the enemy here in Europe. That's why he resisted, because he could also have fled with the others. He wanted to die in Europe facing the enemy »<sup>1059</sup>.*

## **8. Concerning Najim LAACHRAOUI**

*« The first time I saw him was when he came to Jette. Then I started to see him all the time until his death. We were still together in Max Roos prior to the bombings »<sup>1060</sup>.*

Osama KRAYEM says LAACHRAOUI went out wearing a wig, glasses and a hat.

He describes LAACHRAOUI as the person who put him in contact with « Amine »<sup>1061</sup>.

Known as Abu Idriss, Najim LAACHRAOUI seems determined in the eyes of Osama KRAYEM:

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<sup>1055</sup> Interrogation report IJ PANOU, accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1056</sup> PV 008605/19, MOD9, C5, SF1, 19

<sup>1057</sup> Interrogation report IJ PANOU, accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1058</sup> Interrogation report IJ PANOU, accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1059</sup> Interrogation report IJ PANOU, accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1060</sup> Interrogation report IJ PANOU, 18 October 2016 (p. 9/18), accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1061</sup> PV 15773/16, MOD9, C5, SF1, 1

*« Je crois que lui avait une mission. (...). C'était un aller sans retour. Mon sentiment c'est qu'il devait accomplir que/que chose et partir.*

*On questioning: I think that when you come here it is to leave once and for all, so to die. It was not possible for him to speak because his picture was everywhere »<sup>1062</sup>.*

*« LAACHRAOUI knew Abu Ahmed, and then he also knew ALKHALD, they worked together in Syria for the manufacture of TATP; In Syria, ALKHALD made remote-controlled vehicles equipped with explosives, he also did things with drones to blow up targets. I think that LAACHRAOUI knew everything from the start, ever since he was in Syria. I think LAACHRAOUI was not a soldier like the others, he was of a higher rank, closer to the management. I heard that he had tortured a French or Beige prisoner »<sup>1063</sup>.*

*« We were in Forest and I remember Laachraoui saying that « now, even if we die, we will have shown them what we are capable »<sup>1064</sup>.*

According to KRAYEM, Najim LAACHRAOUI knew how to make TATP and the bombs:

*« I believe it was Laachraoui who made the belts for the Paris attacks. The police found recordings of Laachraoui asking Mohamed the Syrian how to make explosives. All this I learned afterwards. On questioning: I think Laachraoui received assistance from the Syrian, Alkhald. Alkhald had an experience, I think »<sup>1065</sup>.*

*« it was LAACHRAOUI who had fixed the connections because when I went to pick up the bags in Rue Max Roos, he explained to me how it worked »<sup>1066</sup>.*

## **9. Concerning Ibrahim EL BAKRAOUI**

Osama KRAYEM describes Ibrahim EL BAKRAOUI as an emir who is very enthusiastic about the cause <sup>1067</sup>. He knows that the suicide bomber has tried to go to Syria.

*« Ibrahim EL BAKRAOUI tried several times to go there but was arrested in Turkey and then repatriated to Belgium. He explained to me that Osama ATAR had gone to the Syrian border to find out what was going on and that he had managed to cross the border. He learned that Ibrahim had been arrested in Turkey. Then Osama made contact*

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<sup>1062</sup> Interrogation report IJ PANOU of 4 November 2016 accompanied by PV 47688/16 p 6/27

<sup>1063</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1064</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1065</sup> Interrogation report IJ PANOU of 4 November 2016 accompanied by PV 47688/16 p 6/27

<sup>1066</sup> PV 17683/16, MOD9, C5, SF1, 16

<sup>1067</sup> PV 21986/18, MOD 9, C5, SF1, 17

*with him and advised him to stay there and that the fighting would come to him. This is how the terrorist cell originated »<sup>1068</sup>.*

According to Osama KRAYEM, he was a logistician, a leader who welcomed future kamikazes, but he himself was not a kamikaze :

*« The original plan was for Ibrahim to host people who were going to carry out attacks like in Paris etc... but it was only after the arrest of Salah and the publication of the photos of the El Bakraoui brothers that they changed their plans, for him it was no option to be arrested. Death was the only way out( ...) I think that if it wasn't for Sa/ah's arrest and the photos, there would have been many other attacks in Europe that would have been much more organised and structured. I think he was one of the masterminds of the Paris attacks, together with ABBAOUD and LAACHRAOUI, but it was Ibrahim who chose the targets for Paris, I think »<sup>1069</sup>.*

Ibrahim EL BAKRAOUI would also have been the man of confidence and the treasurer of the group:

*« I think Ibrahim was even more the person of trust. Ibrahim was someone who moved around a lot.  
I think there would have been many more attacks in Europe and much more damage if Ibrahim's identity had not been known to the press and if he had not gone and carried out the attack himself.  
It was Ibrahim who collected the money.  
You have to know that people from other countries wanted to send us money. They would pass through Islamic State, they would give us an alms and then the money would come to us (to us, the cell in Europe).  
For example, people from other countries (Indonesia or Saudi Arabia) who wanted to make a donation would contact Islamic State to get our account number and then we would go and collect the money which would arrive via an international money transfer agency, like Western Union or MoneyGram.  
I sometimes went with Ibrahim to fetch the money but I always stayed outside the agencies when we went there »<sup>1070</sup>*

According to KRAYEM, Ibrahim EL BAKRAOUI was also involved in transporting weapons for the cell. Indeed, when ABDESLAM, ABRINI, AYARI, BELKAID, KRAYEM, LAACHRAOUI and Ibrahim EL BAKRAOUI were all gathered in the flat in Rue du Dries, he brought along a sports bag containing weapons <sup>1071</sup>. Contacted by someone in Syria, he had gone to look for it in a forest :

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<sup>1068</sup> PV 17683/16, MOD9, C5, SF1, 16

<sup>1069</sup> PV 21986/18, MOD 9, C5, SF1, , 17

<sup>1070</sup> PV 17683/18, MOD9, C5, SF1, 16

<sup>1071</sup> A bag placed in another sports bag, KRAYEM adds (cf. PV 008605/19, MOD9, C5, SF1, 19)

*« Yes, yes, that bag must have arrived when we were all in Forest, but I don't remember exactly when, I don't know if it was at the beginning or at the end.  
It looked more like a weapon for attacking a bank. There was also a sort of triangle like for placing the Semtex inside in order to attach it to a door or another location »*<sup>1072</sup>.

Ibrahim EL BAKRAOUI told him that the weapons used in the Paris attacks were bought in the Netherlands where he has travelled to in person.

Indeed, the Dabiq magazine reports: " After being released from prison, he joined his brother Khalid, started buying weapons, went looking for housing and designed several plans or projects " <sup>1073</sup>

Ibrahim EL BAKRAOUI's search for weapons is confirmed by the testimony of POLINO Leonardo, one of his former co-detainees: *Ibrahim « once came to me and asked me if I knew how to get weapons, I asked him which weapons exactly, he replied « Kalashnikovs » (after 2014), he saw me in front of the café ( downstairs from my place) in Laeken located in Claessen 25, I was working there ( I had an electronic ankle band). I was in front of the establishment, he passed by, I don't know where he was going, he stopped, we greeted each other, he asked me if I could get him some weapons of war, he was looking for several of them (3-4} and I said no. EL BAKRAOUI knew my past through our stay in lltre prison (between 2012 and 2014). As far as I was concerned, he wanted to commit a robbery, he didn't tell me his intention »*<sup>1074</sup>.

#### **10. Concerning Khalid EL BAKRAOUI**

Osama KRAYEM calls Khalid EL BAKRAOUI by the nickname Walid.

Osama KRAYEM says that he met him for the first time in the studio on Avenue de l'Exposition, when he was bringing food for him and for Sofien AYARI, Salah ADBDESLAM, and Mohamed ABRINI.

He confirms that Khalid and Ibrahim EL BAKRAOUI were still in contact and managed the flats <sup>1075</sup>.

*« On questioning: they (Khalid to Ibrahim) changed their communication equipment every month. The tablet was just to go on the internet. On the other hand, as regards the phones, they smashed the phone and the SIM card and took new ones »*<sup>1076</sup>.

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<sup>1072</sup> PV 008605/19, MOD9, C5, SF1, 19

<sup>1073</sup> PV 1246/17, MOD15, C15, SF1, 16

<sup>1074</sup> PV 4279/19 (MOD15, C26, SF2, 12) and PV 35788/18 (MOD15, C26, SF1, 44A)

<sup>1075</sup> PV 008605/19, MOD9, C5, SF1, 19

<sup>1076</sup> PV 17683/18, MOD9, C5, SF1, 16

On the night of 21-22 March 2016, Osama KRAYEM brings a small black SAMSUNG phone to "Walid", along with the second bomb<sup>1077</sup>.

Khalid EL BAKRAOUI was in charge of logistics.

*« From the rue Henri Bergé to Jette, rue de l'Exposition, it was El Bakraoui Khalid who made the trips. I do not remember the vehicles used by El Bakraoui Khalid. The displacements were made at night »*<sup>1078</sup>.

Osama KRAYEM knows Khalid EL BAKRAOUI well as he joined him in the Avenue des Casernes from 16 March 2016 onwards.

He knows that Khalid EL BAKRAOUI went to Syria <sup>1079</sup>.

*« It should be noted that EL BAKRAOUI Khalid was in Syria. He had contact with ADNANI, ATAR and some of the emirs. This is actually how it all started for the terrorist cell in Europe. It was the ELBAKRAOUI brothers who told me all this. ABAAOUD did not know the EL BAKRAOUI or LAACHRAOUI brothers, it was through contact with ATAR Ousama that the cell was formed. The same goes for LAACHRAOUI. He was a contact of ATAR Ousama when he went to fight in Syria.*

*The leaders of Islamic State needed someone they could trust here in Europe, in Belgium, and I think it was the two brothers who played that role »*<sup>1080</sup>.

The day before the attacks, Khalid EL BAKRAOUI reportedly told Osama KRAYEM that he had coldbloodedly shot an elderly person in the street by shooting him/her in the back of the head with a bullet <sup>1081</sup>.

Osama KRAYEM believes Walid left a will.

*« Now that I remember, the day before the attacks Walid gave me an envelope and asked me to post it. You ask me if I remember the address on the envelope and if so whether it was in Belgium or abroad. I don't remember, I can't read addresses »*<sup>1082</sup>.

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<sup>1077</sup> PV 15937/16, MOD15, C3, SF2, 11

<sup>1078</sup> Interrogation report IJ PANOU, (p. 21/27) accompanied by PV 47688/16, MOD9, C5, SF1, 10

<sup>1079</sup> PV 051490/16, MOD9, C5, SF1, 11

<sup>1080</sup> PV 17683/18, MOD9, C5, SF1, 16

<sup>1081</sup> PV 17683/18, MOD9, C5, SF1, 16

<sup>1082</sup> PV 15937/16, MOD15, C3, SF2, 11



## **11. Concerning Oussama ATAR**

Osama KRAYEM talks about the links which he knows to exist between Osama ATAR and AL-ADNANI. He knows that they were in prison together <sup>1083</sup>.

*« Concerning ATAR Oussama and his contacts with LAACHRAOUI, I don't think anyone knows exactly what ATAR was doing out there, but Oussama was the emir of LAACHRAOUI/ and also of ABBAOUD I think. And you know it's the Emir who chooses the people he wants in his team. It is therefore ATAR Oussama who chose LAACHRAOUI. My idea is that it started with an idea over there in Syria, and that they wanted to do something in Europe. So they looked for people from Europe to do this action. The great emirs (Adnani and others) came to ATAR for his knowledge of Europe. Then ATAR created his team with LAACHRAOUI, ABBAOUD ,and the brothers EL BAKRAOUI.*

*I think it's like this, trustworthy people in Belgium to whom they send soldiers like ALKHALD and others. »<sup>1084</sup>.*

*« EL BAKRAOUI (...) explained to me that Abu Ahmed was a family member living in Belgium before he left for Iraq. He is said to have returned to Belgium prior to leaving once more for Syria/Iraq.*

*When El BAKRAOUI spoke to me, he never clearly said that ABU AHMED was ATAR Oussama. He never told me the real identity of ATAR Oussama (...)*

*He only spoke of Abu Ahmed. As regards the connection between the two persons, it is only at the police station and before the judge Mrs. PANOU that I learned about it»<sup>1085</sup>.*

*« All that I am telling you comes from the El BAKRAOUI brothers, they are the ones who told me this. According to EL BAKRAOUI Ibrahim, these individuals had another mission than that of integrating the terrorist cell destined to strike Paris on 13/11/15. (...) I think that the head of the European cell is ATAR Oussama. (...) He knows them all (the AL BAKRAOUI brothers, ABAAOUD), as well as LAACHRAOUI (...) There is not really a hierarchy (between ATAR and) ADNANI, they are together »<sup>1086</sup>.*

## **12. Concerning Mohamed ABRINI**

Osama KRAYEM states that he lived with Mohamed ABRINI in several apartments<sup>1087</sup>, and that he spoke Arabic with him.

Osama KRAYEM believes that Mohamed ABRINI was not appreciated by the group:

<sup>1083</sup> PV 17683/18, MOD9, C5, SF1, 16

<sup>1084</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1085</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1086</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1087</sup> Hearing report IJ PANOU 4 November 2016, accompanied by PV 47688/16, MOD9, C5, SF1, 10

*« He didn't do anything special to be more appreciated. On the contrary, they gave him a PlayStation, to keep him busy and out of the way. Abrini was always grumbling so they wanted to make him shut up and so they gave him a PlayStation »<sup>1088</sup>.*

### **13. Concerning Sofien AYARI**

Osama KRAYEM recognises ALHAJ AHMED Monir as Sofien AYARI with whom he travelled and whom he calls Abu Ahmed <sup>1089</sup>.

*Once in Athens, I followed other refugees, including one who was in my group in Syria and was part of Islamic State. Together we went to Ulm in Germany. The boy who accompanied me used the kunia of Abu Ahmed. All along the way Abu Ahmed had telephone contacts, I followed him. I can't tell you on the basis of which identity document Abu Ahmed was travelling»<sup>1090</sup>.*

He claims to have travelled with a third person, whom he met in Athens :

*« I can confirm that this concerns this third person I know under the name of Mohamed. ALKHALD Ahmad is of Syrian origin, he was also a refugee, he only speaks Arabic. I met him in Athens. You ask me why I did not mention this third person earlier. I answer you that he was a contact of Abu Ahmed, I did not know him. Since ATHENS, he was present in the group of refugees of which I was a member together with Abu Ahmed, and this, until Germany. However, he was not with us all the time »<sup>1091</sup>.*

The other members of the cell call him Hamza. This kunya also appears in the computers found in the Rue du Dries and the Rue Max Roos respectively.

He then again refers to the place of their first meeting :

*« I met him in the camp. I do not wish to answer any further questions »<sup>1092</sup>.*

But a few months later, he says:

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<sup>1088</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

<sup>1089</sup> He specifies later that he is not the same person as the person wearing the same kunya of Abu Ahmed, a family member of EL BAKRAOUI (Interrogation report IJ PANOU of 7 November 2016, p 13/16 accompanied by PV 47688/16, MOD9, C5, SF1, 10)

<sup>1090</sup> PV 15773/16 (MOD15 C2, SF2, 19)

<sup>1092</sup> PV 25346/16, accompanied by PV 42092/16, MOD9, C5, SF1, 9

*« The first time I met him was on a military island. It was an island where there were soldiers. We were leaving Turkey to go to Greece (...) then he went to the hideouts with me »<sup>1093</sup>.*

And, indeed, Sofien AYARI and Osama KRAYEM arrive together in Rue Henri Bergé, and then go together to Jette and Forest.

When asked when and from whom he learned about the role of Sofien AYARI and ALKHALD, Osama KRAYEM replies

*« It was only after the Paris attacks that I understood that these people were part of the Islamic State. Ibrahim [EL BAKRAOUI] had explained to me that these people had been sent on a mission by the Islamic State »<sup>1094</sup>.*

Osama KRAYEM affirms that he knows neither the precise role nor the objectives of Sofien AYARI:

*« To this day I don't even know what Ayari's role is.*

*Not knowing what was going to happen you don't ask certain questions, in hindsight I would have asked him questions. He was an ordinary man, that's all. »<sup>1095</sup>.*

*« In my mind he was someone like me who was waiting for help from these people to go somewhere. I didn't say that was the plan, I said maybe because he was with me »<sup>1096</sup>.*

*« I think that in Paris he had no role because he was with me that day when we went to Amsterdam and even for Amsterdam the mission was entrusted to me and he has simply accompanied me »<sup>1097</sup>.*

*« After that he was arrested, so he has nothing to do with Brussels. He just told me that in Forest there was an assault by the police and that he had fled »<sup>1098</sup>.*

#### **14. Concerning Salah ABDESLAM**

The first time Osama KRAYEM met Salah ABDESLAM was in Ulm when he came to pick him up and bring him false papers :

*« I can see the style of it, a bit of a manipulated person. He doesn't do his ablutions. He smokes. He's been in a club one time with his brother. Maybe he's been*

<sup>1093</sup> Interrogation report of IJ PANOU, 19 October 2016, accompanied by PV 47688/16, MOD9, C5, SF1, 10)

<sup>1094</sup> PV 51976/16 (MOD9, C5, SF1, 12)

<sup>1095</sup> Interrogation report of IJ PANOU, 19 October 2016, accompanied by PV 47688/16 (MOD9, C5, SF110) <sup>1096</sup>

Interrogation report of IJ PANOU, 19 October 2016, accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1097</sup> Interrogation report of IJ PANOU, 19 October 2016, accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1098</sup> Interrogation report of IJ PANOU, 19 October 2016, accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

*influenced or manipulated by Abaaoud. If I speak in terms of faith or doctrine, then yes maybe he saw something in Abaaoud, an idol for example »<sup>1099</sup>.*

Speaking about the Paris attacks, Osama KRAYEM explains as follows:

*« It was Salah who told me that he had given up (...) } On questioning his reasons for giving up: I put myself in his place, at a certain point you think about your family and you change your mind. I also compare this with my own situation, I didn't blow myself up. It can also happen to me that I go and do a bombing and then change my mind at the last minute. I was always expecting to go back to my family. That was the goal »<sup>1100</sup>.*

When speaking about the escape or fleeing of Salah ABDESLAM and Sofien AYARI following the police intervention in Forest:

*« Salah didn't know the rue Max Roos, otherwise he would have come to us for refuge. Max Ross was safer, why take risks and go somewhere else »<sup>1101</sup>.*

*« The El Bakraoui brothers wanted to find each other to take them to Max Roos »<sup>1102</sup>.*

Osama KRAYEM confirms having said at the time that Salah ABDESLAM was

*« a person picked up in the streets, without any conviction » and that « he had no place alongside a cell of the Islamic State »*

but Salah ABDESLAM *« is not the same today as he was 4 years ago. I saw him on TV when he was in court (during the Dries shooting trial), and he is not the same person anymore.*

*Four years ago, it was nothing like it is now in terms of his dangerousness. Now in the scale of religious determination it may be at 10 or more.*

*(...) At that time he was only an intermediary, he was asked to do some shopping, he did it and then he left.*

*He wanted to do more, he presented himself to do more.....(...)*

On questioning: *« I know a lot of things that you don't know, but I can't tell you everything, I don't want to put some people in danger.*

*He volunteered to do more in the period before the Paris attacks. I don't know exactly what projects he wanted to participate in, I saw that he was going to do some shopping, that he was also going to pick up people »<sup>1103</sup>.*

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<sup>1099</sup> Interrogation report by IJ PANOU of 4 November 2016, accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1100</sup> Interrogation report by IJ PANOU accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1101</sup> Interrogation report by IJ PANOU accompanied by PV 47688/16 (MOD9, C5, SF1, 10)

<sup>1102</sup> PV 008605/19, MOD9, C5, SF1, 19

<sup>1103</sup> PV 008605/19, MOD9, C5, SF1, 19

However, Osama KRAYEM does not want to state anything that could harm Salah ABDESLAM, or the « others who are in prison or still alive »<sup>1104</sup>.

#### **15. Concerning Bilal EL MAKHOUKHI**

*« Abu Imrane used to come to Amin's flat, he is a friend of his, but I don't know anything about him. I only saw him at Amine's place while I was there »<sup>1105</sup>.*

*« When he saw us (NOR rue du Tivoli), I don't think he really knew who we were. I think he was the intermediary between Hervé and LAACHRAOUI.  
The first time he came was about ten days after the attacks »<sup>1106</sup>.*

*« You have to know that Hervé was not part of the group, he didn't know anyone except Bilal. And I think it was LAACHRAOUI who asked Bilal to find someone to accommodate us. Bilal indeed knew LAACHRAOUI »<sup>1107</sup>.*

*« On questioning: I only saw Bilal once after the attacks. I don't think he recognised me, my face wasn't known yet. You know, Bilal has been in Syria, he has experienced war, so he shouldn't be afraid of seeing terrorists »<sup>1108</sup>.*

According to Osama KRAYEM, Bilal EL MAKHOUKHI is the person to whom  
« LAACHRAOUI or Khalid » allegedly asked, following the police intervention in the Rue du Dries, « to find accommodation for two people without giving names »<sup>1109</sup>.

#### **16. Concerning Hervé BAYINGANA MUHIRWA**

As soon as he was arrested, Osama KRAYEM designated the accused Hervé BAYINGANA MUHIRWA as the person known as Amin :

*« The person who picked me up by car was supposed to put me in touch with another person. The driver's name was Amine and I stayed with him for the last 9 days (...). He is the person I was arrested with, he has black skin. I spoke with him in English »<sup>1110</sup>.*

*« I should point out that I already knew Amine before. Once when I was at the flat in Schaerbeek the other men there contacted Amine to come and pick me up. Amine waited for me not far from the flat.*

<sup>1104</sup> PV 008605/19, MOD9, C5, SF1, 19

<sup>1105</sup> Interrogation report IJ, MOD 9, C5, SF1, 2

<sup>1106</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1107</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1108</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1109</sup> In fact, we know that on the evening of this intervention, Mohamed ABRINI and Osama KRAYEM stayed with Hervé BAYINGANA MUHIRWA, whom they call Amine (even though Hervé BAYINGANA MUHIRWA firmly denies bearing this name).

<sup>1110</sup> PV 15773/16, MOD9, C5, SF1, 1

*I went down with ABRINI to meet Amine. We got into the car with Amine and went to Amine's house with ABRINI, it was one week before the attacks of 22/03/2016 »<sup>1111</sup>*

When questioned about the first time he met Hervé on the night of 15-16 March 2016, Osama explains :

*« He seemed to be afraid, he didn't know us, but he seemed to know someone who could take us in: Ibrahim's announcement for our departure was in the following terms: "I know someone where you can spend the night, it's better that we split up. (...)" I think that Hervé and Ibrahim did not know each other directly, there must have been intermediaries between them »<sup>1112</sup>.*

*« Hervé BAYINGANA MUHIRWA was not part of the group and did not know anyone except Bilal (EL MAKHOUKHI) », who was « the intermediary »<sup>1113</sup> between Hervé BAYINGANA MUHIRWA and LAACHRAOUI.*

Osama KRAYEM further specifies:

*« It is possible that it was LAACHRAOUI or Khalid [EL BAKRAOUI] who asked Bilal to find accommodation for two people without giving any names. The first time Hervé saw us, especially ABRINI, he was shocked. I think the first time we came to Hervé's house, he still had the choice to refuse, but after the attacks it was no longer possible. I don't know if there was a hierarchy between Bilal and Hervé. Hervé seemed to be very nervous, every time he heard a noise outside he closed the blinds, the doors »<sup>1114</sup>.*

After having spent the night from 15 to 16 March 2016, Hervé drives him back to rue Max Roos, but does not go upstairs <sup>1115</sup>.

*« He didn't seem to want to be with us in our company, he seemed relieved to see me leave the car »<sup>1116</sup>.*

*« The first time Hervé saw us, especially ABRINI, he was shocked. I think the first time we came to Hervé's house, he still had the choice to refuse, but*

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<sup>1111</sup> PV 15773/16 (MOD9, C5, SF1, 1)

<sup>1112</sup> PV 008605/19, MOD9, C5, SF1, 19

<sup>1113</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1114</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1115</sup> PV 008605/19, MOD9, C5, SF1, 19

<sup>1116</sup> PV 008605/19, MOD9, C5, SF1, 19

*after the attacks it was no longer possible. I don't know if there was a hierarchy between Bilal and Hervé »<sup>1117</sup>.*

*« Hervé seemed very nervous, every time he heard noise outside he closed the blinds, the shutters; I think Hervé is angry with me, he's very angry with me and he thinks it's because of me that he's where he is »<sup>1118</sup>.*

In contrast to Bilal EL MAKHOUKHI : *« You know Bilal has been in Syria, he has experienced war so he should not be afraid of seeing terrorists »<sup>1119</sup>.*

Osama KRAYEM explains why, after the attacks, he leaves the Avenue des Casernes to stay with Hervé BAYINGANA MUHIRWA: *« I only knew this person, nobody else. The goal was to go to his place, wait a little bit and see what would happen »<sup>1120</sup>.*

*« I also explain why I left the Avenue des Casernes to go to Amine's. It's simply because I thought you would find it easy to follow me via the cameras between the metro and the Avenue des Casernes. I thought I would be safe at his place »<sup>1121</sup>.*

*« The goal was to go to his place, wait a little bit and see what would happen »<sup>1122</sup>.*

He stayed there until his arrest, i. e. 17 days, partly with Mohamed ABRINI.

*« (Amine) knew who we were<sup>1123</sup>. ABRINI asked him several times if he knew who he was and Amine replied that our faces were on TV »<sup>1124</sup>.*

*« (...) I spoke to him in English, to Hervé. I didn't have a special relationship with him. I was looking for a place to hide and he offered me this, this place to hide. The first time I saw the name BAYINGANA MUHIRWA was on the doorbell of his house, otherwise for me it was Amine, I only knew him by that name. ( ) I confirm that I stayed with him from 22 March 2016 to 8 April 2016, i.e. for a total of 17 nights. ( ) I think he knew who we were. ABRINI asked him several times if he knew who he was and Amine replied that our faces were on TV. Je pense en effet que je lui ai un peu parlé de moi et de la Syrie »<sup>1125</sup>.*

<sup>1117</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1118</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1119</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1120</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1121</sup> PV 39139/16, MOD9, C5, SF1, 7

<sup>1122</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1123</sup> PV 17683/18, MOD9, C5, SF1, 16

<sup>1124</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1125</sup> PV 17683/18 (MOD9, C5, SF1, 16)



*« I think I left his house two or three times, for the Internet café. He drove me there. And then another time in order to get a mobile phone. But I don't know Brussels. So all the trips I made were with Amine in the car »<sup>1126</sup>.*

Osama KRAYEM, in turn, *« has said some things to him about (him)self and Syria »*

Hervé BAYINGANA MUHIRWA continues to work at night: *« During the day we didn't do anything special. It was Amine who brought in food »<sup>1127</sup>.*

Osama KRAYEM states that he has only seen Bilal EL MAKHOUKHI once, at the home of Hervé BAYINGANA MUHIRWA,

*« I think it's a friend of his. He came, he got to know ABRINI and me. It was after the attacks.( ... ) Bilal, he didn't talk to us, he just talked to Hervé »<sup>1128</sup>.*

« Amin » bought him a SAMSUNG tablet, which he was in possession of at the time of his arrest:

*« That was in order to get in touch with my brother. I didn't have the tablet for a long time already, I think, the day before I gave Amine some money and I asked him to go and buy the tablet. I don't know where Amine went to buy the tablet, I stayed at Amine's place when he went out to buy it »<sup>1129</sup>.*

## **17. Concerning Smail FARISI**

Osama KRAYEM did not meet Smail FARISI until 16 March 2016 in the flat in the Avenue des Casernes:

*« I saw (Smail FARISI) once, he came only once to the flat in Etterbeek a few days prior to the operation. I think he was a friend of the other. I myself didn't know him. You ask me if during the visit of FARISI Smail, the other one (the metro kamikaze) was present there. I answer you ' yes ', because he did not come to visit me because I do not know him. You ask me what he talked about with the other person who was in the flat. I cannot tell you what because they both were speaking in French, there were no formal presentations or offerings as such. I don't think he was involved in the attacks, I think he was just a friend of the other »<sup>1130</sup>.*

<sup>1126</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1127</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1128</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1129</sup> PV 15937/16, MOD15, C3, SF2, 11

<sup>1130</sup> PV 15937/16, MOD15, C3, SF2, 11

*« Khalid had explained to FARISI that we were going on a trip and would not be coming back. He had explained to him that he was going to leave the badge in the letterbox, the badge being attached to a piece of wire (...). On questioning, it was Khalid who explained to me the discussion (which he had had with Smail FARISI. I also asked on this occasion if FARISI was aware of what was going on Khalid answered no, he couldn't tell him that because Smail was already afraid of his shadow »<sup>1131</sup>.*

*« I didn't speak with this person, I didn't even know his name. He only spoke with Khalid. And I never heard Khalid call him by a nickname, he's a poor person because he was not part of the group in charge of orchestrating the attacks, his name should never be in the dossier, he had nothing to do with us, with the group »<sup>1132</sup>.*

Explaining the reason for the rental of Smail FARISI's flat by the cell, Osama KRAYEM states as follows :

*« FARISI's renting of the flat was already in the pipeline, he didn't know why, but the others had already asked him to rent a flat in his name. These were long-term preparations »<sup>1133</sup>.*

In a later hearing, he adds: *« It was Khalid who told me that: indeed, the accommodation was included in the project. FARISI said that there was no problem when Khalid asked him to rent a house or flat in his name and that Khalid was the one who was going to pay the rent.*

*But there was nothing in this accommodation that would lead one to believe that anything was going to happen. (...) It is important to know that at the beginning, the flat was for Ibrahim, who was not expected to die in the attacks.*

*The initial plan was that Ibrahim would host people who were going to carry out attacks like in Paris etc... but it was only after the arrest of Salah and the publication of the pictures of the El BAKRAOUI brothers that they changed the plans, for him it was not conceivable to be arrested. Death was the only way out.*

*On questioning: Ibrahim was a logistician, a leader who hosted future suicide bombers, but he was not a suicide bomber. I think that if it wasn't for Salah's arrest and the photos, there would have been many other attacks in Europe that were much more organised and structured »<sup>1134</sup>.*

#### **F - PSYCHIATRIC ASSESSMENT**

*The psychiatrists Noury M'RABET and Gérard CHARLES were ordered to carry out a neuropsychiatric, medical-psychological and social examination of Osama KRAYEM.*

<sup>1131</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1132</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1133</sup> PV 17683/18 (MOD9, C5, SF1, 16)

<sup>1134</sup> PV 21986/18 (MOD 9, C5, SF1, 17)

The experts consider in a report submitted on 31 August 2016 that Osama KRAYEM is responsible for his actions, being neither in a state of insanity, nor in a serious state of mental imbalance, nor of mental debility rendering him incapable of controlling his actions.

During this examination, Osama Krayem admits having participated in a criminal project in which some people died. But he refuses to give an account of the facts as he experienced them, nor does he elaborate on his experience or his emotions during the very events. He remains vague and wants to keep control over the interview.

The experts believe that, if the facts are proven to be true in court, the support he should receive is of a social nature, aimed at protecting society. In view of the parameters collected, we can hardly expect any positive impact from psychological care.

#### **G - CHARACTER WITNESSES**

The testimonies of Osama KRAYEM's family and his childhood friend Mohamed AZAM were collected during two letters rogatory carried out in Sweden in November 2018.

Osama KRAYEM did not want other witnesses to be heard. He believes that the hearings of his family members are sufficient..

All members of Osama KRAYEM's family give a very positive account of his life in Sweden: he was athletic, hard-working, calm, kind and generous. None of his family members know of any delinquent past.

No one describes Osama KRAYEM as a radical Muslim or would have noticed any change prior to his unexpected departure for Syria. Nothing would have foreshadowed his departure.

Osama KRAYEM merely showed pity for the children and civilians facing war. All witnesses claim to have been shocked and saddened by his departure.

Two computers used by several members of the family seized at the home of Osama KRAYEM's parents were analysed by the investigators. They contain information about the Syrian conflict and the Islamic State group. Some Google searches were conducted on these subjects, particularly during the period from 4 July to 1 September 2014 prior to Osama Krayem's departure for Syria:

This also includes videos of Islamic preaching that are usually found by police services in similar cases of participation in the activities of terrorist groups.

Osama KRAYEM claims that he left for Syria with a sum of \$30,000, which were « *his savings* »<sup>1135</sup>. He was apprehended with a sum of EUR 2720, of which he said it was the remainder of the money. His family does not know how he could have collected such a sum of money<sup>1136</sup>.

The family claims to have ignored his return to Europe until his photo appeared in the newspapers, but under another name (Naim AL HAMED). None of them could ever have imagined Osama KRAYEM to participate in a terrorist attack.

According to his mother Nidal KRAYEM, Osama is a big-hearted, peaceful, respectful child who does not lie. He worked, did sports and muscle training and then returned home.

Nidal KRAYEM was not warned of his intention to go to Syria. When he left, his parents reported him missing.

Anas did not tell his father that Osama was in Belgium and that he had contacts with him for his return to Sweden.

They only learned of his return to Europe when he was arrested. The day before his arrest, Osama asked his brother Anas to come and pick him up in Belgium.

For Nidal KRAYEM, it is a coincidence that the day before her son's arrest, her husband Fadi KRAYEM went to Germany to see the children of his brother and his uncle. This departure was decided the day before and he rented a car because his car had to pass the technical inspection.

Regarding her son's activities in Syria, Nidal KRAYEM states<sup>1137</sup>: « *every mother is against the descent into hell of her son* ».

Osama KRAYEM does not speak to his mother about his possible involvement in the attacks.

**Fadi Ibrahim KRAYEM** is Osama's father. He feels that he has given his sons the best possible education in Sweden. Their schooling went smoothly.

He filled his boys' leisure time with football: they participated in a Swedish film about integration and sports.

After his school period, Osama chose to attend vocational school and finished his studies. He then worked at the City of Malmö's road department. He was unemployed before he disappeared.

<sup>1135</sup> He varied in his statements: he also said that he had played at the casino (PV 42092/16 joint to PV 016641/16 (p4), MOD9, C5, SF1, 9, or that the money came from crimes committed in Sweden (PV 32579/17, MOD9, C5, SF1, 14)

<sup>1136</sup> PV 8480/17, MOD12, C2, SF3, 11

<sup>1137</sup> On 19 November 2018 (PV 6888/19, MOD12, C4, SF8, 14)

"Ik zweer dat ik mijn opdracht in eer en geweten, nauwgezet en eerlijk heb vervuld."

"I swear that I have fulfilled my task honourably, conscientiously and honestly"

« Je jure avoir rempli ma mission en honneur et conscience, avec exactitude et probité »

ARNOUT Peter, beëdigd vertaler VTI 195 9804







Sworn translation of French language in English language

Fadi KRAYEM describes his son as someone who is normal, nice with children, sensible to misfortunes of the world, determined. He does not know his friends : this is the world of young people into which he does not have the right to enter.

To the question whether his son was Sunni or Shiite, Fadi KRAYEM answers "Muslim".

When his son disappears the day after his 22<sup>nd</sup> birthday, and after the advice of a friend Saïd AZAM, Fadi KRAYEM notifies police about his disappearance. It is in this way he learned that his son had been seen in Copenhagen's airport with three or four other people, « *He shaved himself. This was the moment when <sup>1138</sup> we began to have the doubts that he left to go the place where he has nothing to do* » he said. Until then, Fadi KRAYEM had not seen anything, his radicalisation may have come from his consultations and readings on the net thinks Fadi KRAYEM.

Fadi KRAYEM explains that he had not have a lot of contact with his son in Syria. Osama left to do the work in the area of humanitarian help.

About his arrest in Belgium he learned through the phone call from his wife. At this moment he was not aware of the existing contacts between Anas and Osama.

He had just left for Germany <sup>1139</sup>, to visit friends and the family as confirmed his wife. Fadi KRAYEM was in Germany.

Arrival of Osama in Belgium has been explained to him as a mean to go back to Sweden, but he found himself in a wrong place with wrong people.

Since then, Fadi KRAYEM, has been sad, but Osama is still his son.

Identity of **Osama KRAYEM's half-sister** is protected, for reasons unrelated to this case, in accordance with Swedish legal provisions. Due to that her name does not appear in this file either.

She draws a very flattering picture of her brother as calm and kind, hard-working, concerned about his physical condition, reading the Koran and attending mosque in a more assiduous manner since he was 17 or 18.

He is a decision-maker rather than a follower, has never had a problem with the law, never lies, generous.

She was unaware of her half-brother's plans to leave for Syria and has had little personal and telephone contact with him since then.

As regards to the attacks committed in Belgium, she has no information other than what she read in the press.

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<sup>1138</sup> Translator's note : We say very often in Swedish "it" to express "I"

<sup>1139</sup> He leaves with a rent car and not with a private taxi

Sworn translation of French language in English language

In according to what he had said to their brother Anas, Osama wanted to go to Sweden.

**Assma KRAYEM** confirms this witness statement. Osama is one of those with whom it is easy to discuss. Thoughtful, generous and problem-free, he is a practising Muslim.

Before leaving, Osama was very upset as far the war in Syria is concerned but he did not specifically feel to be a Syrian.

He phoned her when he was in Raqqa but did not speak about his activities. Assma had a feeling that he formed a part of Islamic State. The contacts with his family were irregular. Nobody knew that he came back to Europe.

From the contacts she has had with her brother, Assma thinks and she can understand that the participation of France and Belgium in the coalition makes these countries accomplices of Bashar AL-ASSAD. Osama would never have killed innocent people.

Questioned second time on 19<sup>th</sup> of November 2018 mainly due to their exchanges by the means of Facebook, Assma does not want any more to answer the questions.

**Anas KRAYEM** talks about normal childhood during which the two brothers played a lot of football. They were brought up in a good environment.

At home, their father involved himself in the education of his sons. They participated in a lot of physical trainings too, they were not involved in a crime when they were young. Their father was the best of the world, who let them make their own choices.

Osama got well on with his brothers and sisters, mainly with Assma.

**Anas KRAYEM** describe his brother as an intelligent and sensible being who prefers to be a leader. He was a honest man who lived a healthy way of life. At school he was exemplary.

One year before leaving, Osama was staying more often at home, he was getting outside less than before and made a step forward in religion. But Anas did not see him, she was herself in prison at that moment.

Osama did not reveal anything about conflict in Syria to his brother. After his departure, the brothers stayed in touch by telephone and with the means of Facebook.

Analysis of Anas's telephone seized during letters rogatory carried out by Investigating Judge on 1<sup>st</sup> of February 2017 <sup>1140</sup> confirms those contacts and reveals the Anas's interests for Islamic State group, for his brother, for weapons and money.

<sup>1140</sup> PV 16780/17 (MOD15, C18, SF1, 5)

245

Sworn translation „ne varietur“ from French language in English language

Diana Michelova

VTI 2535639

Mornimont

17th of June 2022



Sworn translation of French language in English language

Anas reveals that he has been contacted by Osama after 22<sup>nd</sup> of March, to come and get him in Belgium in order to return in Sweden. Anas sent him a telephone number so that the two brothers could communicate, but he wouldn't help Osama <sup>1141</sup>.

Anas indicates that at the moment Swedish media published photo of so called Naim AL HAMED, the family recognised the photo.

**Mohamed AZAM** was questioned on 20<sup>th</sup> of November 2018 by Swedish investigators accompanied by Belgian investigators <sup>1142</sup>.

"He was" an Osama KRAYEM's childhood friend.

Mohamed AZAM does not accept what Osama may have done, and he emphasizes on it.

When they were small children, they were very close, they lost contact from each other between 13 to 15 years of age, and now they are having diametrically opposed life.

Osama's centre of interest when he was a child, was essentially football. We have never seen him in the Mosque in Sweden only the last three years.

After he became all of sudden religious.

Mohamed AZAM learned about his departure from a friend who was contacted by Fadi KRAYEM at the moment he was looking for his son.

Finally, Osama sent a message to a group of Snapchat or Messenger asking to tell his parents that he was in Turkey or in Syria.

Mohamed AZAM knows nothing about the group with which he could have talked about these things.

Mohamed AZAM tried to convince him to come back and listen to the arguments other than those which Osama was putting forward, in vain. According to what Mohamed AZAM read in the newspapers, Osama was listening to the speeches of a Yemeni on the Anwar Al Awlaki network. According to him, Osama KRAYEM's brain has been washed and he was not any more the person he knew.

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<sup>1141</sup> But Anas KRAYEM does not recognize phone number +46729261341 identified in the investigation as the one he has sent. "This one is not mine" he says, but they well spoke once on the phone together. PV 006888/19, MOD 12, C4, SF8, 14

<sup>1142</sup> PV 006888/19, MOD 12, C4, SF8, 14

Sworn translation of French language in English language

**Chapter V : SALAH ABDESLAM**

**Alias "Abou Abderrahman", alias "Abderrahman", alias "Abd Rahman",  
alias "AbdRahman"**

**A – Procedure**

With requisitions dated on 25<sup>th</sup> of May 2018, the Federal Prosecutor's Office asked the Investigating judges to investigate Sofien AYARI and Salah ABDESLAM on the charge of participation in the activities of a terrorist group as author, co-author or accomplice : terrorist murders and attempted terrorist murders, and to issue an arrest warrant for the people concerned  
1143

Salah ABDESLAM was charged by the investigating judges by letter dated on 17<sup>th</sup> of June 2019  
1144 with participation in the activities of a terrorist group.

In its judgement of 17<sup>th</sup> of September 2021, the Brussels Court of Appeal, Indictments Division, having found that there were sufficient and serious charges against Salah ABDESLAM, referred the accused to the Assize Court of the Brussels-Capital administrative district.

His referral to the Assize Court concerns both the acts committed at Zaventem and Maelbeek. With regard to 22<sup>nd</sup> of March 2016, the objective of the terrorists was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek, in the way that the different targets must be analysed as a single scene of attacks.

Consequently, Salah ABDESLAM is, like each of the accused, co-author of all the attacks committed on that date, without distinction of the target assigned to each of them.

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1143 MOD14, C1, SF5, 1

1144 MOD15, C29, SF2, 26



Sworn translation of French language in English language

**B – Biography**

He comes from a solid Muslim family, Salah ABDESLAM is a 4<sup>th</sup> child of five siblings (Yazid, Brahim, Mohamed, Salah and then Myriam).

His parents are of Algerian origin, but the whole family is of French nationality. His Father Abderrhamane ABDESLAM born in 1949, at present time he is retired, he was a bus driver. His mother Yamina FAKLAN born in 1958 is a housewife.

Salah speaks French and little bit Arabic. He was brought up in a municipality of Molenbeek-Saint-Jean. He is described as nice, sociable and sporty.

He finishes his secondary school studies and is employed by STIB, thanks to his father, as a technician.

In 2008, Salah ABDESLAM meets Yasmina KHAJJOU in Brussels. They get engaged in 2010. She has just lost his brother and he is protective towards her <sup>1145</sup>.

Salah ABDESLAM spends time with the friends from the neighbourhood among them Abdel Hamid ABAAOUD and takes the path of delinquency and then prison. On 25<sup>th</sup> of February 2011, him and his friend Abdel Hamid ABAAOUD were sentenced by the Magistrate's Court of Nivelles to a one-year suspended prison sentence for an attempted robbery.

After losing his job and being unemployed for a while, Salah ABDESLAM decides to follow a course to become a taximan. According to his brother Mohamed, he wanted to establish his own company and bought a van <sup>1146</sup>.

Around 2013-2014, Salah ABDESLAM gets closer to his brother Brahim and joins him very often in a coffee shop which he runs. Many young people meet there. It is a period during which many young people leave for Syria.

He sees his friends apart from his fiancée. According to her, he keeps her away from his friends. Salah ABDESLAM speaks only once about Syria with Yasmina KHAJJOU and expresses that he *"would feel cowardly to make a life here while brothers are dying there (Syria)"* <sup>1147</sup>, facing the reaction of his fiancée, he would never mention it again.

Those close to Salah ABDESLAM hardly notice that he is starting to take an interest in religion.

On 7<sup>th</sup> of February 2015, together with Ali OULKADI, Salah ABDESLAM drives to the airport in Amsterdam to collect his brother Brahim, who is back from Iraqi-Syrian zone. Salah and Brahim ABDESLA get along well and they have friends in common.

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<sup>1145</sup> PV 024214/19, MOD9, C8, SF8B, 6

<sup>1146</sup> PV 22014/19, MOD9, C8, SF8B, 3

<sup>1147</sup> PV 024214/19, MOD9, C8, SF8B, 624214/19



Sworn translation of French language in English language

**C – FOR THE RECORD <sup>1148</sup> : HIS IMPLICATION IN PARIS TERRORIST ATTACKS**

Salah ABDESLAM is accused of a decisive role in the repatriation of several terrorists from Syria: including the so-called Samir BOUZID (alias Mohamed BELKAID) and Soufiane KAYAL (alias Najim LAACHROU) and also Osama KRAYEM, Sofien AYARI and ALKHALD.

He is particularly reproached to participate in renting the cars which served to bring the perpetrators of terrorist attacks to Paris committed on 13<sup>th</sup> of November 2015 and renting, in France, apartments from which the kamikazes were leaving.

The day before the terrorist attacks in Paris, Salah ABDESLAM leaves Belgium with ten other members of the group.

He is reproached that on 13<sup>th</sup> of November 2015 he dropped off at Stade de France, 3 members of this commando, himself also wearing explosive belt.

He returns to Belgium during the night from 13<sup>th</sup> to 14<sup>th</sup> of November and joins in a conspirative apartment situated in Henri Bergé street the people who are suspected to organize Paris terrorist attacks.

Salah ABDESLAM is arrested on 18<sup>th</sup> of March 2016 and placed in a pre-trial custody in Belgium on 19<sup>th</sup> of March in order to respond to the charges of which he is a subject in the scope of Paris terrorist attacks. This arrest warrant is withdrawn on 26<sup>th</sup> of April 2016 in order to transfer him to French judicial authorities. The next day he was placed in a pre-trial custody in France.

**D – HIS IMPLICATION IN BRUSSELS TERRORIST ATTACKS**

Implication for Salah ABDESLAM in Brussels terrorist attacks can be particularly sum up as follows :

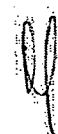
**1. His integration in Brussels terrorist cell**

The day after Paris terrorist attacks, Salah ABDESLAM decides to join brothers EL BAKRAOUI, LAACHRAOUI, BELKAID, Osama KRAYEM and Sofien AYARI in a hiding place he knows, Henri Bergé street.

Those who want to continue their dark activities must reorganise themselves and it is here where with all the active decisive forces, they envisage the future.

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<sup>1148</sup> As a reminder, the committed facts in the scope of Paris terrorist attacks are presented in this current file for information purpose only. These facts occurred in past the period to the period of offence in the scope of our file. It seemed important to us to mention for each of the defendants the elements that allow us to know their state of mind and their previous history at the time when the offence period of the present case begins. The accused is only being prosecuted in Belgium for the acts committed in the context of this case.





Sworn translation of French language in English language

In the letter addressed to his Emir, found in the computer in Max Roos street, Salah ABDESLAM wrote following :

“ I am abu abderrahman the one who participated in the first terrorist attack. Even if I wanted to be among the shahids, Allah has decided otherwise al hamhoulillah Allah saved from his koffars and I managed to join the rest of the brothers because there was a default in my belt. At the first moment I was thinking to go to sham but thinking about that I have concluded that it was an idea of an evil spirit and the best thing to do is to finish the job here with the brothers, however I would just like to be better equipped for the future before passing to the action knowing that equipment is a sebab <sup>1149</sup> and the force and strength belong to Allah.” <sup>1150</sup>

Salah ABDESLAM therefore decides to follow the kamikazes and the accused of the terrorist attacks of 22<sup>nd</sup> March in every of their hiding places. He takes part in their daily life, he takes part in this new group which plans new targets and prepares new terrorist attacks.

After evaluation, as he wrote, that the “*best thing to do is to finish the job here with the brothers*”, he thus takes a direct part in a more general plan leading to the terrorist attacks of 22<sup>nd</sup> of March 2016.

Approving this reasoning, jurisdictions of investigation referred Sofien AYARI and Salah ABDESLAM to the Assize Court on charges of murders and attempted murders of a terrorist nature.

**2. His presence in all the hiding places**

DNA <sup>1151</sup> and fingerprints left in place by Salah ABDESLAM establish his passage in the hiding place in Jette <sup>1152</sup> and his stay in Rue de Dries street <sup>1153</sup>.

Presence of Salah ABDESLAM in the apartment in Forest is supported by the discovery of documents and letters he wrote. In addition, a file bearing his name is recorded in the computer seized in this apartment.

As his face is being known, Salah ABDESLAM make himself discreet and does not get out.

According to Mohamed ABRINI, these are the instruction which the brothers EL BAKRAOUI received from Syria <sup>1154</sup>.

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<sup>1149</sup> Can be translated from Arabic language “cause”

<sup>1150</sup> PV5227/18, MOD 15, C22, SF2, 3A

<sup>1151</sup> DEFORCE Report 16/0447, MOD14, C4, SF2, 1

<sup>1152</sup> PV 26046/19 (MOD15, C31, SF3, 8)

<sup>1153</sup> PV 14551/16 (MOD14, C5, SF1, 14), PV 29973/16 (MOD14, C5, SF1, 18) and PV 13649/16 (MOD14, C5, SF1, 9)

<sup>1154</sup> PV 21986/18 (MOD 9, C5, SF1, 17). ABRINI confirms : “They (brothers EL BAKRAOUT) did not me to get out”, PV 15784/16, MOD15, C2, SF2, 20 and PV 13851/19, MOD9, C4, SF1, 1



Sworn translation of French language in English language

This explains why the neighbours (RABHI Asmae and SLAHI Rachid) think that only two people live on the first floor.

Salah lives his daily life with the members of the cell : he has a place to stay and gets food. They share the same clothes, use common computer and they share the same headphones. Like everybody who is united in this small apartment, decorated with the flag of Islamic State, Salah ABDESLAM reads religious books <sup>1155</sup>. He writes goodbye letters, <sup>1156</sup>, helps to clean the weapons or wipes the cartridges <sup>1157</sup> and maintains his physical conditions <sup>1158</sup>.

No telephone on him is discovered.

**3. Presence of weapons in the hiding places where Salah ABDESLAM lives.**

Salah ABDESLAM lived in hideouts in Jette and in Forest.

Osama KRAYEM declares that the weapons were in all of the hiding places :

“Every time I moved there were weapons in that place” <sup>1159</sup>.

“ In Jette there were two kalashnikov rifles : “one kalashnikov rifle for ABRINI Mohamed and one Kalashnikov for ABDESLAM Salah. Every Kalashnikov rifle was equipped with two cartridge clips. I do not know whether there were munitions” <sup>1160</sup>.

“There were also nails, in Jette, which we used for belts, for bombs. They were placed in a bag and I think it was what was left from what has been used in Paris terrorist attacks. This is what I think” <sup>1161</sup>.

“Somebody who was in Syria, (...) contacted EL BAKRAOUI to tell him that there was a bag in a forest with weapons (guns), explosives, munitions (complete boxes with bullets). It was Ibrahim who told me that and I have seen him when Ibrahim brought the bags when we were in Forest. There were only light weapons, no Kalashnikov rifles” <sup>1162</sup>.

Besides the weapons described by Osama KRAYEM, police search carried out in the apartment in Forest allowed to find machine-pistol with retractable grip (Kalashnikov type weapon),

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<sup>1155</sup> Cfr fingerprints on several books, including Koran

<sup>1156</sup> Cfr fingerprints on the letters he was writing

<sup>1157</sup> Questioning Osama KRAYEM on 17<sup>th</sup> of September 2019 (PV 31471/19, MOD21, C1, 22)

<sup>1158</sup> As demonstrated the fingerprints found in place.

<sup>1159</sup> PV 31471/19, MOD21, C1, 22

<sup>1160</sup> PV Questioning Investigating judge PANOU, 4<sup>th</sup> of November 2016, joined to PV 47688/16 MOD9, C5, F1, 10

<sup>1161</sup> PV 31471/19, MOD21, C1, 22

<sup>1162</sup> PV 21986/19 MOD9, C5, SF1, 17



Sworn translation of French language in English language

Many cartridge clips, munitions and two electrical detonators of Yugoslavian origin with electrical wires.

Finally, one Kalashnikov rifle with munition and two cartridge clips are abandoned on the way by fugitives.

All this arsenal was found in the apartment in Forest when Salah ABDESLAM and Sofien AYARI were present.

Together, Osama KRAYEM and Salah ABDESLAM cleaned the weapons :

“Yes, I was cleaning. We were together, me and Abdeslam. When there was a weapon, we disassembled it and cleaned it. Several people, me, Laachraoui, those who have already disassembled the weapons were doing it. Abdeslam watched what we were doing and tried to wipe the bullets. (...) We were spending our time. We had nothing to do” <sup>1163</sup>.

**4. Use of computers belonging to the group by Salah ABDESLAM**

**a) Computer HP model EliteBook in Rue du Dries street**

According to Sofien AYARI, everybody was using this computer <sup>1164</sup>. The computer is not protected by any password.

Salah ABDESLAM also used this computer :

In the computer we can find a file named “SALAH” <sup>1165</sup>, created between 27<sup>th</sup> of February and 8<sup>th</sup> of March 2016 next to the files Ikrima (LAACHRAOUI), Abdelaziz (BELKAID) and Omar (KRAYEM). It is composed of 10 sub-files. <sup>1166</sup>  
These sub-files contain reportages and video coming from Internet <sup>1167</sup> mainly recorded during the month of March. They witness his interest in religion, prayers, prophet, Koran, koranic songs, Hadith, box, reportages related to Paris terrorist attacks and MERAH affair.

The file “For AbdRahmane” also corresponds to his kunya. It contains 3 video named “Cheikh Adil Al Jattari”, 2 videos of self-defence training for soldiers <sup>1168</sup>, video reportage about the massacre of Uyghur Muslims and one video reportage concerning oppressed Muslims around the world. There are others documentary videos recorded there.

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<sup>1163</sup> PV 31471/19, MOD21, C1, 22

<sup>1164</sup> PV Questioning by Investigating judge PANOU, 14<sup>th</sup> of March 2017 MOD 14, C3, SF2-3,2

<sup>1165</sup> PV 12576/16 (MOD14, C4, SF3, 2). His content erased. It is placed on the desk.

<sup>1166</sup> called Adil, terrorist attacks, Biography of the prophet, Koran, Kischk, Merah, new file (which is subdivided in two separate sections entitled : “Al Hajjaj” and “ For AbdRahmane”), new files (2), reminder and sport.

<sup>1167</sup> PV12576/16 (MOD14, C4, SF3, 2) and PV 13650/16 (MOD14, C4, SF3, 5).

<sup>1168</sup> PV 13624/16 p 9 (MOD14, C4, SF3, 4)





Sworn translation of French language in English language

b) Computer HP ProBook found in the bin in Max Roos street<sup>1169</sup>

In the computer discovered in the bin of Max Roos street, we found letter written by Salah ABDESLAM and addressed to his Emir.

It attests in fact of the will, "reflected", of "the one who participated in the first terrorist attack" to "finish the job with the brothers". It explains that in the future, his author would like "to be better equipped before passing to the action".

In this letter Salah ABDESLAM passes also on the request made for "Abou Yahya" (Mohamed ABRINI), with whom he is in contact at that moment.

In the letter Salah ABDESLAM explains also following :

*"With the brothers everything goes well with the help of Allah al Hamdoulillah made the douaaa many of douaaa, we have also done it for you let Allah to strengthen your hearts and your steps for the religion let him to give the victory through his permission inch Allah.*

*Ask him the permission to get out and to see one of my big brothers to take some news of my parents of which my mother is ill of course this outing will be made with maximum precaution and with Allah who watches over his servants.*

*I have one question concerning the salat do I have to make it shorter or not knowing that I am wanted because since my allegiance I renewed my nia and I make shorter the salat when I pray like the rest of the group?*

*When I wanted to make my hijra they ask me not to do it to avoid being burnt because I should work here with my brother.*

*I also want the answer for Abou Yahya*

*Salam Alaykom. "*<sup>1170</sup>

In this way he expresses that everything goes well, when he renewed his "nia"<sup>1171</sup> and that he was asked to stay for working.

**5. The letters<sup>1172</sup> and documents left by Salah ABDESLAM in Rue du Dries street in Forest**

During intervention of police forces in Rue du Dries street, 3 letters and 2 envelopes were found on the small table situated in the main room of the apartment.

The three letters were written by the same person.

None is signed with his first name but these letters are attributed to Salah Abdeslam :

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<sup>1169</sup> Several objects were moved from hideout to hideout. In this way, before the arrival of the group in the apartment in Rue Max Roos street, it means on 12<sup>th</sup> of February 2016, this computer has already been used somewhere else and mainly in Rue du Dries street.

<sup>1170</sup> PV5227/18, MOD15, C22, SF2, 3A

<sup>1171</sup> From Arabic "niyya" : intention existing behind all the action

<sup>1172</sup> PV 15002/19 (MOD15, C29, SF1, 22)



Sworn translation of French language in English language

In the letters he talks about his brother Brahim. The letter is addressed to his fiancé and is written for Yasmina, Yasmina is first name of his fiancé Yasmina KAJJHOU.

Finally, the author mentions his "name in jihad : *Abd Rahman*", or the kunya which corresponds to him.

On the letters we find also fingerprints.

In this letter of goodbye, Salah ABDESLAM, wrote about his determination to follow the path of his brother. He explains to the members of his family, which he has not seen for some time, his will to die in martyr during the future operation.

A conversation is intercepted by State security on 29<sup>th</sup> of March 2016 <sup>1173</sup> in the prison in Bruges between Salah ABDESLAM and Mohamed BAKKALI as far the letters are concerned.

Salah expresses in this conversation his anxiety that the investigators identify the author of this letter "not signed" about which Salah ABDESLAM says he wrote.

It will be according to him *"the 'baï3a' [recognition] saying it will 'make la 'harb' [catastrophe]"*. He specifies that during his arrest, he lost the envelope of this letter, which was left in Forest.

No letters other than those examined below were found in the Rue du Dries street.

a) "Letter to my mother" :

This letter written by hand is written after the events in Paris : the letter refers to the death of Brahim ABDESLAM in these words :

*"your son Brahim did not commit suicide, he fought, he killed and was killed by the koffar, he is the HERO of the Islam".*

It attests to a certain indoctrination. It states that he pledged allegiance to Abou Bakr Al Baghdadi.

The author asks for forgiveness in the letter : *"I ask you to forgive me 3 times and one time for my father whom I love so much. I want you to know that it was also hard for me to leave you because I love you so much but Allah comes first (...)"*

Salah ABDESLAM believes that he has been *"guided and chosen by Allah from among his servants to work in his path and for this I must fight the enemies of Allah with all my strength, so that they stop bombing our brothers and sisters in Muslim countries, every day they kill with their planes like cowards and on top of that, they have allowed themselves to draw and insult of our beloved Muhammed Sws"*

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<sup>1173</sup> State security notes from 7<sup>th</sup> of October 2019 and 16<sup>th</sup> of October (conversations in prison Bruges) which make part of the PV 35261/19 (MOD15,C32, SF3,23A)



Sworn translation of French language in English language

The letter specifies that *"Me too I have taken this path because it is the path of Truth, whoever deviates from it will have the refuge in hell"*.

*"Allah has commanded us to fight even if it is unpleasant for us, it is an obligation for all Muslims (...)"*

Salah ABDESLAM says that he chose to fight in order to deserve paradise and to open up access to paradise for his relatives: *"Allah forbids the fire of hell to touch the relatives of a martyr"*.

Salah ABDESLAM finishes his letter by this sentence : *"you should know that your two children fought FOR ALLAH"*.

b) Letter addressed "to my beloved sister" :

This letter written by hand is signed *"Abd Rahman this is my name in jihad"*

This new goodbye letter is based on the same arguments as the one he wrote to his mother, based on usual indoctrination of Islamic state terrorist group members : binary vision opposed to those whom they call " the unconverted " to "real Muslims". With the will of God, those last ones must fight the first ones to win "paradise". The life is thus an ordeal which leads to Paradise for the fighters and their families, or to hell for the others.

*"I imagine that it does not have to be easy for you to be separated from your two brothers, on the top of that everybody treats us terrorist. You should know that we have only terrorised the unconverted people because France is a country which fights Islam (...)*

*I have done it for Allah, it was my choice, but also choice of Allah. (...)*

*Those, the unconverted have united to almost 80 countries to assassinate our Muslim families. They killed thousands of people, they bring terror to Muslim countries every day (...)*

*Allah wants us to fight when Muslims are humiliated (...) we must give all for Allah until we give even our lives, (...)*

*I would like you to emigrate to Muslim countries. (...) ALLHU Akbar" talking about the unconverted, he asks his sister "to hate" them and (...) that the boys become Mujahideen and the girls become pious women".*

The letter finishes mainly as follows :

*"I would like you to pass on a little message to my brothers, tell them to fear Allah, to study the religion, and don't take it as a game, life is short and the Shaytan is doing everything to make you love "Dounia" "[it means : terrestrial life].*

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Sworn translation „ne varietur“ from French language in English language

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c) Letter "to the attention of Yasmina only" :

The third letter is addressed to Yasmina KHAJJOU. It is again a goodbye letter and apologies of a man determined by love of God, who justifies the fight leading him to paradise.

Salah ABDESLAM writes there

*"I have pledged allegiance to Abú Bakr may Allah protect him, I have pledged to serve the cause and fight in front line to avenge the blood of the Muslims and to raise the word of Allah with his permission".*

He hopes

*"that Allah will accept my work and show me mercy so that I may be among the truthful, the sincere, the martyrs".*

He concludes by saying "

*"I love you, be careful and do not sell your Tahwid, hide your belief for fear of being persecuted or attacked by these koffar and hypocrites (...) May Allah strengthen your steps and your heart for the religion (...) Cheer up morale of my mother, I love you".*

d) Tear away pad

Finally, a tear away pad is seized in rue de Dries street : Inscription "Salah" can be found on top left. There we can find writing exercise of different letters of alphabet in Arabic.

On one sheet of paper there are written two "*hadith*" <sup>1174</sup>. On two other sheets of paper, are written interpretations of verses from Koran in French and on the last sheet of paper, an invocation in phonetic Arabic.

According to the investigators the handwriting is the same as on the three letters <sup>1175</sup>.

**6. Existence of several projects of terrorist attacks**

Before 15th of March 2016, the day of gunfire in rue de Dries street, the group is actively working on projects for several terrorist attacks.

As he wrote to his Emir, Salah ABDESLAM decided to "*finish the job with his brothers*"

Mohamed BELKAID (alias Abdelaziz), Sofien AYARI Hamza (alias Hamza) and Osama KRAYEM (alias Omar) address a text written in Arabic (but translated by the investigators)

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<sup>1174</sup> ancient accounts reported by theologians

<sup>1175</sup> PV 13649/16 (MOD14,C5,SF1, 9)



Sworn translation of French language in English language

entitled "Handwritten note by Abou Omar, Hamza and Abdelaziz" in which they ask how they need to work <sup>1176</sup>.

Mohamed ABRINI answers to Investigating judge that 22<sup>nd</sup> March was not planned : "The target was Euro 2016 (...). You are asking me who should have participated in this, I answer LAACHRAOUI, brothers EL BAKRAOUI, SALAH, KRAYEM, all those who were there. (Editor's note : in the hiding places)" <sup>1177</sup>.

And, to believe to the audio "carved001884" <sup>1178</sup> recorded the day before the shooting on 15<sup>th</sup> of March 2016 <sup>1179</sup>, their will to act is intact: "*here uh ... everything is going well. Everyone is firm, Allah, exalted be it, has preserved us from a lot of evil. There have been a few little trials but praise the God, you know? it's ... Everyone is good anyway, you know? "*

Existence of several objects was also revealed in the computer found in rue du Dries street with the discovery of the file called "*studies*". The same research of multiple targets concerning both Belgium and France can also be found in the computer found in rue Max Roos street <sup>1180</sup>.

The file "Metro group" created in the scope of Paris terrorist attacks, is again consulted on 10<sup>th</sup> of January 2016 at 17:32 hours in the computer <sup>1181</sup>.

Several elements rule out the idea that these are vague and distant projects :

- Precursors are being bought since January according to Mohamed ABRINI <sup>1182</sup>,
- One hundred kg of TATP, a very unstable explosive which it is, have already been fabricated before 15<sup>th</sup> of March 2015 <sup>1183</sup>
- Occupiers of the apartments are consulting the websites as far the "will before suicide bombing" is concerned <sup>1184</sup>. And they write their own will.

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<sup>1176</sup> Cfr supra : As far the job is concern, we wanted to know how and in which manner to organize ourselves with the will of Allah, whether we will get out together or if there will be those who will leave earlier and those later.

<sup>1177</sup> PV Examination made by Investigating judge on 22<sup>nd</sup> of November 2018 (MOD 9, C4, SF1, 16)

<sup>1178</sup> PV 14530/16 (MOD15, C1, SF1, 34)

<sup>1179</sup> PV 003036/18 (MOD9, C22, SF1, 8 a) : last access on 14<sup>th</sup> of March 2016

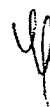
<sup>1180</sup> Cfr supra (computer analysis) in which we mention the targets like Anvers harbour, Belgian nuclear power, use of anthrax, Rue de la Loi street no. 16, well known beer pubs in Brussels, French targets, French Secondary Military schools, school in Houthalen-Heichteren, generally speaking Belgian Army.

<sup>1181</sup> PV 42297/16, MOD 15, C13, SF2, 1

<sup>1182</sup> PV 3089/18 (MOD 15, C22, SF2, 16A)

<sup>1183</sup> Cfr. Audio "carved001884" (PV 4009/17, MOD15, C15, SF2 16B)

<sup>1184</sup> PV 17213/16 (MOD14, C4, SF3, 6)



Sworn translation of French language in English language

- The group already possesses weapons of war, numerous cartridge clips and ammunition, detonators, a Christmas garland, fireworks and a gun sight "tasco" <sup>1185</sup>.

Salah ABDESLAM and Sofien AYARI participated actively to those preparations, even if they know nothing about their definitive involvement in terrorist attacks of 22<sup>nd</sup> of March 2016.

Gunfire in rue du Dries street and arrest of two fugitives on 18th of March 2016 have changed the facts : the message from Najim LAACHRAOUI and Ibrahim EL BAKRAOUI to Oussama ATAR confirms :

*"I swear to you brother, Allah is my witness, we had lots of plans. We had lots of ideas. We wanted to do lots of things, but it's destiny and the will of Allah, we are obliged to follow, or else we'll stay rotting in a cell" <sup>1186</sup>.*

It is what Osama KRAYEM also confirms :

*It was only after Salah's arrest and the publication of the photos of the El BAKRAOUI brothers that they changed their plans (...) I think that if Salah had not been arrested and the photos published, there would have been many other attacks in Europe that were much better organised and structured" <sup>1187</sup>.*

This is also what the propaganda magazine Dabiq states <sup>1188</sup> when it describes BELKAID "finalising the raid in Brussels" and sacrificing himself to ensure the escape of his team.

Finally, Mohamed ABRINI confirms the claims of Osama KRAYEM in his examination on 17<sup>th</sup> of April 2019 :

*"between 13<sup>th</sup> of November 2015 and his arrest, yes, of course, he (Salah ABDESLAM) knows what is going to happen. For sure, he knew. BELKAID also, of course, he knew. Salah had been made aware of it" <sup>1189</sup>.*

And on the basis of question asked, he answers :

*"Yes, it has been foreseen that he (Salah ABDESLAM) had to participate in terrorist attacks. There was no list of participants in the terrorist attacks, everybody's involvement has been planned. If you were in the hideouts, it means you were involved in the terrorist attacks" <sup>1190</sup>.*

**7. Escape and arrest of Salah ABDESLAM**

While the police is searching for apartment in rue de Dries street, Salah ABDESLAM escapes with Sofien AYARI and does not surrender.

<sup>1185</sup> PV 13649/16 (MOD14, C5, SF1, 9)

<sup>1186</sup> PV 014530/16 (MOD15, C1, SF1, 34)

<sup>1187</sup> PV 21986/18 (MOD9, C5, SF1, 17)

<sup>1188</sup> PV 1246/17 (MOD15, C15, SF1, 16)

<sup>1189</sup> PV 013851/19 MOD 9, C4, SF1, 17

<sup>1190</sup> PV 013851/19 MOD 9, C4, SF1, 17 13851/19

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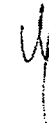
Sworn translation „ne varietur“ from French language in English language

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Sworn translation of French language in English language

Having abandoned the path of weapon and telephone, Salah buys a new cell phone and a SIM card Ortel with number "32489327885" on the slaughterhouse market in Anderlecht <sup>1191</sup>.

They go to Jette to the home of Abid ABERKANE, close cousin of Salah ABDESLAM and faithful friend of Mohamed ABRINI.

This home is under observation <sup>1192</sup> in the scope of file concerning Paris terrorist attacks.

Two fugitives come to this home two times, Salah ABDESLAM clearly hide his face <sup>1193</sup>.

Enclosed black & white Photo

At 21:04, they leave with a small paper, without entering to the building.

Telephone tapping, ordered by Investigating judge PANOU, in the scope of the Paris terrorist attacks, of Abid ABERKANE's wife <sup>1194</sup> enables to find out that on the paper was the telephone number of her husband. To obtain it, the two fugitives were pretending to be his colleagues from work.

At 21:05, anonymous Ortel card "32489327885" phones Abid ABERKANE on his number "32483671101". Person speaking to is called "Gros" who asks to see him outside of his home, he must make sure that he is alone <sup>1195</sup>.

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<sup>1191</sup> PV 12207/16 from B-Paris, C137, SF1, 2

<sup>1192</sup> The images were not looked at live

<sup>1193</sup> PV12266/16 (MOD15, C31, SF3, 60)

<sup>1194</sup> Siham AARAB

<sup>1195</sup> PV 12490/16 (MOD15, C31, SF3, 63)





Sworn translation of French language in English language

Watching the observation video later on, the policemen see two people discussing with him. Abid ABERKANE brings them to the car to drive them to the cellar in his mother's house. She is not aware of it.

Investigation of the cell phone with SIM card "32489327885" reveals that this number has only been active on 15<sup>th</sup> of March 2016. This number, which has first been used at the proximity of Midi railway station, is only used in region of Brussels <sup>1196</sup>.

- Between 15:55 hours and 16:10 hours, it is located close to the Brogniez street in Anderlecht, he tries to contact Marouane BOUBOUH ;
- At 14:14 hours, it is located in rue de la Colonne street in Molenbeek-Saint-Jean ;
- At 16:56 hours, it is located in rue de Neck street in 1081 Koekelberg, and contacts finally Marouane BOUBOUH for 98 seconds.
- After the telephone is switched off until 21:03 hours, the moment when it is activated again in rue de Neck street in 1081 Koekelberg. This moment corresponds to the communication with ABERKANE Abid.
- At 21:08 hours, the cell phone is still located in the same place as before and then it gets definitively abandoned.

Following observations are showing that Abid ABERKANE brings the food and spends the nights with fugitives, while he attends to his occupations during the day.

On 18<sup>th</sup> of March 2016 we can see him bringing pizza and a bag with food and then he leaves. Police forces intervene at 16:40 hours. They arrest Salah ABDESLAM and Sofien AYARI.

Abid ABERKANE is arrested the same day as Salah ABDESLAM and Sofien AYARI. He declares <sup>1197</sup> that he was called by his cousin Salah ABDESLAM before 21:00 hours to help him. Because he knew the situation perfectly, he decided to get in the car with Sofien AYARI and to place him in the cellar which he owns in the block of flats rue des Quatre-Vents 79 where his mother lives. He felt compelled to help the two fugitives, as Salah ABDESLAM is from his family. He confesses to offer them food and clothes, and to spend several nights to discuss with them.

*"During our discussions, we talked among others about religion. Salah explained that what his brother has done was good because he died in martyr. (...) Salah has also explained to me what was going on in FOREST. Salah explained me that they were in the apartment, the police came and one of the people in the apartment started to shoot. He explained me that him and his companion, the one who accompanied him, ran away at the moment the police arrived. (...) Salah explained me that they went to see other people but they refused to help them. I was their last chance, the reason he came to see me. I have of course asked him why he was not at ABRINI Mohamed's house. Salah told me that he did not know where ABRINI actually was, that he was*

<sup>1196</sup> PV12271/16 (MOD15, C31, SF3, 61)

<sup>1197</sup> PV12424/16 (MOD15, C31, SF3, 62), PV 39793/16 (MOD15, C31, SF3, 64) and PV3854/17 (origin from "B-Paris", C144, SF1, 22)

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*in the other group but he did not know which one. I trusted him because Salah came to me. I think that if he knew where ABRINI Mohamed was, he would go to him, and not to me. Salah told me that he did not have the contact with them, with ABRINI Group.*

*Salah explained me that it is approximately three months when he sleeps in that place [editor's note : rue du Dries street ]. He told me that he had started to get used to this place and the police came. He told me there had been three in this apartment. Salah, the one who was with him and the one who is dead. To answer your question, he did not explain me anything concerning the weapons in place. He (Salah) has just asked me a weapon. A small one, only to protect himself if the police should come to catch him. First of all, I explained him that I know nothing about weapons, that I agreed to help him to find the place to sleep, but I did not want to go further, that I agreed for few days, but after it must stop.*

*During our discussions, we have of course talked about the events in Paris. Salah explained me that he was wearing explosive belt when he went to Paris, but his belt did not explode and he got rid of it, he threw it in the bin (...) He explained that his boss was ABAAOUD, the one who was killed in Paris. As far his actual group is concerned, as I have already said, they were only three members left. The one who died in the apartment in FOREST, who was their boss, Salah and the one who accompanied Salah. I think there was nobody else. As I have already said, if there were other members, he would return to those people, he would not come to me.*

*The idea of Salah is : if you attack us, it means over there in Syria, we attack you. If you do nothing, we do nothing. To answer your question, as far I know, he did not have other projects in the matter of terrorism, no other targets.*

*The only think he told me, is the fact that they were well in Forest. The one who died there he looked after everything, it means money, food, ... he was really in a big shit after your intervention last Tuesday. I intended to help him few days but not more (...)"<sup>1198</sup>.*

ABERKANE confirms that he does not know anything about the person who accompanied Salah, except that his name is Hamza <sup>1199</sup>.

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<sup>1198</sup> PV 12424/16 (MOD15, C31, SF3, 62)

<sup>1199</sup> In view of the elements resulting from the investigation gathered with regard to him, Abid ABERKANE is being prosecuted in the context of the Paris terrorist attacks in the Brussels Criminal Court for participation in the activities of a terrorist group.



Sworn translation of French language in English language

E – STATEMENT OF SALAH ABDESLAM

Deprived of liberty on 18<sup>th</sup> of March 2016, Salah ABDESLAM is examined on 19<sup>th</sup> of March 2016 in the scope of the file related to Paris terrorist attacks <sup>1200</sup>.

At that moment, he is wanted for his possible involvement in terrorist attacks committed in Paris and attempted assassination committed on the policeman intervening in rue du Dries street. Statement of Salah ABDESLAM <sup>1201</sup>, made three days before the terrorist attacks in Brussels, is brief. No element allowing to detect the preparation of new terrorist attack is revealed.

He avoids mentioning anything that might identify accomplices who are not dead, to detect the elements still unknown in the investigation or to advance it :

*"I rented the cars as well as the rooms in the hotel to prepare the Paris terrorist attacks. I have done it on the basis of the request of my brother Brahim.*

*During terrorist attack, I wore explosive belt. However, I did not want to blow it up (...) There 9 people, plus me, it means 10 people all together" <sup>1202</sup>.*

To answer your question who the head of the terrorist attacks in Paris was, he answers :

*"It is Abaaoud <sup>1203</sup>. I have learnt this from my brother Brahim. It was him who explained me that Abaaoud was in charge.*

Salah ABDESLAM explains about his visit in Germany and Hungary by avoiding the fact that it was in Ulm where, on 3<sup>rd</sup> of October, he was going to collect Osama KRAYEM, Ahmad ALKHALD and Sofien AYARI to bring them to Belgium :

*"I was in GERMANY to pass through to HUNGARY. I have nothing else to say about my presence in Germany. I was two times in HUNGARY. The first time, to learn the itinerary. I was alone. The second time I went to Hungary, alone again, it was to collect two people. The first person is called Abdel, the second, I do not know his name.*

*I went to Hungary to collect these two people in September 2015 with MERCEDES which I rented myself.*

*Abdel was killed in the apartment in FOREST. He spoke French and Arabic. He came from Algeria. He was in Syria. I came to hide myself in his place because I did not have any other place to go" <sup>1204</sup>.*

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<sup>1200</sup> PV 23575/19, MOD9, C7, SF7, 2

<sup>1201</sup> PV12493/16 MOD14, C3, F2, SF2, 7

<sup>1202</sup> Indeed, 9 people are dead at the moment of this examination : Three kamikazes are dead in Stade de France, three others in Bataclan, while Brahim ABDESLAM is dead on the pavement seating area and Abdel Hamid ABAAOUD and Chakib AKROUH two days later in Saint-Denis

<sup>1203</sup> died the day before

<sup>1204</sup> PV 12493/16 MOD14, C3, F2, SF2, 7



Sworn translation of French language in English language

"To answer your question, Abdel was not happy to see me coming back. I explained him that I could not explode myself. He comforted me and told me that he is going to hide me for the time being before I can leave to a place where I will be in security.

In the apartment in FOREST there was a person who was arrested on 18/03/2016 with me. I name him "Hamza". I think he is of a Tunisian origin" <sup>1205</sup>.

"I know nothing about the person I was going to collect in Hungary. I dropped him in SCHAEERBEEK. It is from that moment I have been aware of existence of the apartment where I hid myself after the terrorist attacks. I only know that this second person has already been in Syria" <sup>1206</sup>.

"On 14/11/2015 on my return to BELGIUM, I knew that he (Abdel) was in Schaerbeek on my return from Paris. I was thus going to hide myself in SCHAEERBEEK with him. After he told me about hideout in FOREST. I was thus in his place.

On 15/03/2015, I run away from the apartment in FOREST with the person who was arrested with me on 17/03/2015. Abdel died in the apartment in FOREST. (...)

My brother gave me false Belgian identity cards for the two people I was going to collect in Hungary. Meeting point was in centre of Budapest, near the railway station. Those two people were aware of description of my car and could join me" <sup>1207</sup>.

He does not make any spontaneous statement, does not speak neither about brothers EL BAKRAOUI nor Najim LAACHRAOUI whom he was going to collect in Hungary at the same time as BELKAID. He does not speak neither about Osama KRAYEM whom he was going to get in Ulm (Germany) at the same time as Sofien AYARI and ALKHALD.

Confronted to the photo of Najim LAACHRAOUI, he declares :

"I know him, he is the second person I was going to collect in HUNGARY, the one who was with Abdel in Hungary. I recognize that person on the photo below. But I do not recognize the person on the photo above. I have never seen the person on the photo above" <sup>1208</sup>.

Confronted to the photos and name of brothers EL BAKRAOUI and the one of Osama KRAYEM, Salah ABDESLAM replies every time :

"I have never seen that person" <sup>1209</sup>.

When we ask him how "Hamza", arrested with him, arrived in Belgium, he answers

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<sup>1205</sup> PV 12493/16 MOD14,C3, F2, SF2, 7

<sup>1206</sup> PV 12493/16 MOD14,C3, F2, SF2, 7

<sup>1207</sup> PV 12493/16 MOD14,C3, F2, SF2, 7

<sup>1208</sup> PV 12493/16 MOD14,C3, F2, SF2, 7

<sup>1209</sup> PV 12493/16 MOD14,C3, F2, SF2, 7

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Sworn translation „ne varietur“ from French language in English language

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Sworn translation of French language in English language

*"I do not know. You ask me question what was the role of this person, I answer you that I do not know" <sup>1210</sup>.*

He confirms that he does not know where ABRINI is, him, he has *"nothing to do with Paris terrorist attacks"* and pretends he has *"never seen him in my different hiding places"* <sup>1211</sup>.

When he declares to stay about ten days in Schaerbeek before going to Forest, he limits himself to describe the conspirative apartments which have already been discovered by the investigators.

Nothing is revealed about reasons why him and his accomplices stayed in Belgium.

After this first statement, Salah ABDESLAM declares to use the right to silence, despite several attempts for questioning both from the Belgian investigators and French and Belgian investigating judges.

**F – PSYCHIATRIC EXAMINATION**

Salah ABDESLAM refused to submit to a psychiatric examination requested by Belgian investigating judges <sup>1212</sup>.

However, he accepted to participate in an expert assessment ordered by the Court of assizes in Paris in the scope of the file for Paris terrorist attacks.

In this scope, the experts proceeded to a psychiatric examination of Salah ABDESLAM, after several unsuccessful attempts.

In their report on 30<sup>th</sup> of December 2021, the experts concludes following :

- The examination of the subject does not reveal any mental or psychic anomaly of an alienating nature.
- The offences charged against the subject are therefore not related to such mental abnormalities.
- The criminologically dangerous state he presents is the consequence of his hitherto unflinching commitment to a mass terrorist project.
- He is eligible for criminal punishment.

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<sup>1210</sup> PV12493/16, MOD14, C3, F2, SF2, 7

<sup>1211</sup> PV12493/16, MOD14, C3, F2, SF2, 7

<sup>1212</sup> MOD15, C31, SF3, parts 26 and 27



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- Salah ABDESLAM, at the time of the events, he was not suffering from a psychic or neuropsychic disorder that had abolished or impaired his discernment, abolished or impaired the control of his acts.
- The question is not one of curability, since he is not ill, but of a possible change. Only evolution will make it possible to decide between confinement in the totalitarian system which deprives him of all autonomy of thought but protects him; and the way out of this armour, at the cost of the risk of collapse. It is impossible for us today to predict with any certainty what that will be.
- To answer a question that presents itself as essentially theoretical, after imprisonment, a socio-judicial follow-up could be envisaged, possibly with a treatment order.

**G – CHARACTER WITNESS**

Salah ABDESLAM did not express any request as far moral survey is concerned, so that the investigating judges restricted themselves to the examination of ABDESLAM's family members.

Everybody describes him as kind, sportive and helpful. The family seems solid. Salah ABDESLAM was close to his brother BRAHIM and his sister Myriam but did not appear to them radical. According to them, he did not go to the mosque.

**Yamina FAKLAN** <sup>1213</sup>

Yamina FAKLAN is mother of the accused. She was born in Algeria and came to live in Belgium when she was 8 years old. She declares not to recognize his son. Salah is believer, but like the other children, Yamina FAKLAN has not noticed any sign of radicalism. His son has always lived home with the family. He never spoke about politics. Except the café of Brahim, Yamina FAKLAN cannot specify the places his son was going to, neither provide the name of his friends.

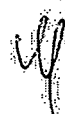
**Abderrhamane ABDESLAM** <sup>1214</sup>

Abderrhamane ABDESLAM, his father, is born in Algeria and has a French nationality. He does not understand what happened. He thinks that his son, with whom he has never had a problem, has been manipulated. He was not interested in the politics. Salah was not very religious at the beginning and when he started to pray, his father was pleased. Abderrhamane ABDESLAM does not know his son's friends.

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<sup>1213</sup> PV 21864/19 (MOD9, C8, SF8B, 1)

<sup>1214</sup> PV 21877/19 (MOD9, C8, SF8B, 2)





Sworn translation of French language in English language

Mohamed ABDESLAM <sup>1215</sup>

Mohamed ABDESLAM describes his younger brother as kind, normal, happy, calm and polite, somebody who did not live any drama during his childhood. He does not recognize his brother too.

He was friend with Abdel Hamid ABAAOUD, their neighbour. Each child was free to practise his religion. His brother had more interest in it than the others around 2014.

Their parents arrived very young to Belgium and instilled their children with respect "we grew up in a European style if I can say that".

Myriam ABDESLAM <sup>1216</sup>

His sister Myriam ABDESLAM also brings the attention to the good personality of his brother whom she cannot recognize in the acts of which he is accused of. He had a project of marriage with Yasmina. He wanted to find a job, have apartment, get married and have children.

Yazid ABDESLAM <sup>1217</sup>

Yazid ABDESLAM describes his brother in a positive manner in the family circle, not having problem with police, only once due to a robbery. He was seeing his friends from Place de la Duchesse square and from time to time in Brahim's café.

He declares that he changed in prison. He was practising more and changed physically.

Yasmina KHAJJOU <sup>1218</sup>

Yasmina KHAJJOU was Salah's fiancé. She met him when she was 16 years of age during the feast in their neighbourhood. She got engaged when she was 18 and they planned marriage, despite disagreement of her parents. But never she could imagine the facts Salah is accused of nowadays.

She is persuaded that Salah ABDESLAM hid his projects from her to protect her. He spoke to her about Syria only once saying that he feels like a coward to live his life here when his brothers are dying over there in Syria. Because of her reaction, he has never spoke about the subject again and kept her separate from his friends.

During 8 or 9 years during which they were together, he was never practising. Maybe towards the end he talked about it a bit more, but she could not think about something like that. He never forced to cover her head with jilbab. She heard that Salah ABDESLAM went to mosque in rue de la Ransfort street but does not know more.

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<sup>1215</sup> PV 22014/19 (MOD9, C8, SF8B, 3)

<sup>1216</sup> PV 022167/19 (MOD9, C8, SF8B, 4)

<sup>1217</sup> PV 23246/19 (MOD9, C8, SF8B, 5)

<sup>1218</sup> PV 024214/19 (MOD9, C8, SF8B, 6)



Sworn translation of French language in English language

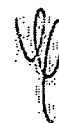
She describes him as jealous and possessive, intelligent, polite, helpful and discreet. According to her, Salah ABDESLAM was somebody who can be influenced and she adds that he was influenced in part by Abdel Hamid ABAAOUD. It is in the last year before the Paris terrorist attacks that he changed. Before that, he had a life of a young boy, he was getting out, it happened that he was drinking and partying.

According to Yasmina KHAJJOU, Salah got along well with everybody from his family and was very close to his sister Myriam. Yamina FAKLAN was very proud of engagement of his son with a girl from family which was rich and in favour of this marriage, even after the terrorist attacks. Yasmina decided to detach herself from this family, which did not seem, with the exception of the father and Yazid, to realise the seriousness of the situation, nor the fate of the victims.

According to her, the education given by Yamina FALKLAN to her children "could perhaps support the behaviour of her sons. It needs to be underlined that she has always considered them as they were kings. To me, she did not bring them up explaining the difference between good and bad. She always said that men remain the men"<sup>1219</sup>.

She specifies that the family where Salah ABDESLAM was born is not, *"on the basis, very religious family. According to me, Salah has made himself his own idea about religion"*.

The day before the terrorist attacks, Salah ABDESLAM called Yasmine and told her that he is going to ski with his brother Brahim.



Sworn translation of French language in English language

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Diana Michelova      VTI 2535639      Mornimont      17th of June 2022



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**Chapter VI : ALI EL HADDAD ASUFI**

**A – PROCEDURE**

Ali EL HADDAD ASUFI is arrested for the first time on 24<sup>th</sup> of March 2016, after the questioning he is free to go.

After his next questioning, due to the evolution of the investigation, he is accused by investigating judge on the charge of participation in the activities of a terrorist group, murders in the context of terrorism and attempted murders in the context of terrorism and placed under arrest on 9<sup>th</sup> of June 2016.

After briefly talking about the explosions and the discovery of the conspiracy apartment in Max Roos street, the investigating judge motivated this arrest warrant in these terms :

*"The defendant EL HADDAD ASUFI Ali works at Zaventem Airport. His work activities consist of unloading and loading the catering for aircraft landing and taking off from the airport. This involves transport between the storage area for supplies (a warehouse that is apparently far from the departure and arrival hall) and the aircraft on the tarmac.*

*The person concerned had already been questioned on the 24<sup>th</sup> of March 2016, in the context of the acts committed at Zaventem, because of his close links with the brothers EL BAKRAOUI, and more particularly with Ibrahim EL BAKRAOUI. During this hearing, the defendant stated that he had not seen his friend since the end of September 2015. He admitted, however, that he knew that his friend had become radicalised, particularly through contact with a man named Osama ATAR. He knew that Ibrahim EL BAKRAOUI was also close to the ideas promoted by the Islamic State group. He also mentioned the same way the radicalisation of Khalid EL BAKRAOUI, particularly in the context of his relationship with a man named BAKKALI Mohammed, who has been detained since 27<sup>th</sup> of November 2015 in connection with the Paris terrorist attacks that took place on 13<sup>th</sup> of November 2015.*

*The results of the investigation seem to contradict the initial statements of the person concerned.*

*Thus, the exploitation of the Facebook accounts "Ibrahim Bims" used by El Bakraoui Ibrahim and "Samir Nasri" used by El Haddad Asufi Ali made it possible to find messages exchanged between the two parties between 22<sup>nd</sup> of June 2015 and 14<sup>th</sup> of July 2015. It appears from these that on 22<sup>nd</sup> of June 2015 El Bakraoui Ibrahim, who had travelled to Turkey, informs El Haddad Asufi Ali that he is in a detention centre and will return no more than 2 weeks later.*

*This would be the first contact of Ibrahim El Bakraoui after his arrest in Turkey, suspected of wanting to go to Syria to join the Islamic State group. It is Ibrahim EL BAKRAOUI who asked the accused to inform his brother Khalid. On 23<sup>rd</sup> of June 2015, Ibrahim El Bakraoui provided a Turkish telephone number to the defendant to establish a contact, while asking him to pass it on to his brother as well. In the same exchange, the defendant EL HADDAD ASUFI Ali will communicate two numbers used by Khalid EL BAKRAOUI.*

*Concerning this trip, the accused will acknowledge having driven EL BAKRAOUI Ibrahim to the airport.*

*In view of the above elements, it seems unlikely that he was unaware of his close friend's intentions. It also appeared from the analysis of the video surveillance images of the building, situated at 39 Avenue des Casernes in Etterbeek, that El Haddad Asufi Ali have visited the building several times in 2015 and 2016 (namely 03/10/2015, 04/10/2015, 05/10/2015, 06/10/2015, 07/10/2015, 13/10/2015, 14/10/2015, 15/10/2015, 16/10/2015, 20/10/2015, 23/10/2015,*

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14/12/2015, 15/12/2015, 16/12/2015, 24/12/2015, 08/01/2016, 09/01/2016), and that he was filmed there together with Ibrahim El Bakraoui. He would also have stayed at the address (mainly after the Paris terrorist attacks). This seems to corroborate the statements of the co-defendant FARISI Smail who had said that he had been put in contact with Ibrahim EL BAKRAOUI through the intermediary of a certain "Ali" whom he had asked to provide him accommodation. The person with first name "Ali" seems to have been identified in the person of the accused. It was through his intervention that FARISI Smail agreed to take in Ibrahim EL BAKRAOUI at the Avenue des Casernes address.

During his hearing before the investigating judge, the accused stated that he had doubts mainly about the involvement of the EL BAKRAOUI brothers in the Paris terrorist attacks, especially after the arrest and the placement under arrest warrant in the case of the aforementioned BAKKALI Mohammed. This arrest took place on the 27<sup>th</sup> of November 2016, only a few days after the attacks. However, the person concerned will continue to come to the Avenue des Casernes after this arrest.

Finally, in one of the audio messages recorded near rue Max Roos, one of the presumed perpetrators (probably Najim LAACHRAOUI) mentions, on the day before the events (i.e. the 21<sup>st</sup> of March 2016), the targets that would be aimed at, i.e. the underground and the airport. Concerning the airport, he specified "we had information ... A brother gave us information that ... in the morning, there were American flights, Russian flights, Israeli flights. We're going to try to hit them. This information could come from someone working at the airport. This is the case of the accused.

The outright preventive detention was extended until 29<sup>th</sup> August 2018, the date when it was modified to be executed under the modality of electronic surveillance <sup>1220</sup>.

This modality of pre-trial detention was extended for the last time by the order of 9<sup>th</sup> of May 2019.


Ali EL HADDAD ASUFI was also detained for the execution of the arrest warrant issued by the French authorities in the context of the investigation into the Paris terrorist attacks. On 5<sup>th</sup> of December 2018, he was temporarily surrendered by the Belgian authorities to allow the French authorities to question him in Paris. This justified the order of release of the arrest warrant under conditions taken the same day by the investigating judge.

In its judgment of 17<sup>th</sup> of September 2021, the Brussels Court of Appeal, Indictments Division, having found that there were sufficient and serious charges against Ali EL HADDAD ASUFI, referred the accused to the Assize Court of the administrative district of Brussels-Capital.

His referral to the Assize Court concerns both the acts committed at Zaventem and Maelbeek. With regard to 22<sup>nd</sup> of March 2016, the objective of the terrorists was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek, so that the different targets must be analysed as a single attack scene.

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<sup>1220</sup> However, this could never be implemented, as he remained in custody in connection with the Paris attacks.



Sworn translation of French language in English language

Consequently, Ali EL HADDAD ASUFI is, like each of the accused, co-author of all the attacks committed on that date, without distinction of the target assigned to each of them.

**B – BIOGRAPHY**

Ali EL HADDAD ASUFI has dual nationality, Belgian and Moroccan. He is the youngest of a family of four children. Born in Berchem-Sainte Agathe, on 23<sup>rd</sup> of September 1984, he lived all his life in region of Brussels <sup>1221</sup>.

His father died when he was 6 years old. He does not remember him at all. He knows that he worked in Volkswagen, nothing else. His mother is a housewife. At the moment, she is very ill. Accused had a happy childhood in the family without history. A part of his mother's family lives in Amsterdam. He has the family in Tanger.

His school attendance finishes in 5<sup>th</sup> year of Technical Secondary School. Ali EL HADDAD ASUFI attended several schools : l'Athénée Fernand Blum in Schaerbeek, l'Institut René Cartigny in Ixelles and l'Institut Marius Renard in Anderlecht. He is described as absent minded and not studying too much.

During his school years he makes friends with Youssef EL AJMI and Smail FARISI.

Around 2003-2004 he meets Ibrahim EL BAKRAOUI who repeated his fifth year of secondary school like him. After having tried three times to pass his year, Ali EL HADDAD ASUFI abandons his schooling.

In June 2009 Ali EL HADDAD ASUFI goes on holiday with Ibrahim EL BAKRAOUI and Youssef EL AJMI to Sharm El Sheikh in Egypt.

In 2011, Ali EL HADDAD ASUFI meets Farah BEN KATANE and maintains love relationship with her during two or three years. In February 2016 he gets close to one of his colleagues in work, Farah LAMRI, with whom he started to have love affair. She works in Swissport.

Sportive, he practises mainly football, but also a little bit of box in Molenbeek-Saint-Jean and Bodybuilding exercise in Basic Fit in Wemmel.

As far his employment history is concerned, after a period of unemployment, he sets up as an independent delivery driver. He worked for a company Euro-Sprinter based in Antwerp for 4-5 years.

After another year of unemployment, he registers in Interim company.

In 2012, he gets a temporary contract at LSG Sky and he signs a contract for indefinite period of time as a delivery driver at Zaventem airport in 2014. His role is to take prepared meals in the warehouse at the planes.

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<sup>1221</sup> PV 013212/19, MOD9, C6, SF2, 23



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Its hours are variable depending on the day, the shift being "in principle" from 6:30 until 14.26  
<sup>1222</sup>.

His friend Youssef EL AJMI works also in Zaventem for the same company.

Ali EL HADDAD ASUFI is described as somebody having a character of a leader, joyful, funny, helpful and generous. He likes to get out, to go to shisha bars and café, like Andalusia near the railway station or Andalusia in Schaerbeek.

Sunni Muslim believer, he goes sometimes to Kouba mosque, close to his home.

His friends are mainly Youssef EL AJMI, Nabil KSADLI, Othman AKHECHAA and Samir CHAGOUANI. He mentions also Ibrahim EL BAKRAOUI, but "not Khalid, he was only acquaintance".

Ali EL HADDAD ASUFI does not have any criminal record. On the other hand, he is well aware of Ibrahim EL BAKRAOUI's delinquency and visits him frequently during his various imprisonments and at his home when he is detained under the electronic bracelet system.

After departure of Oussama ATAR in Syria, Ali EL HADDAD ASUFI stays very close to Ibrahim EL BAKRAOUI. They see each other every three days and they go often to the restaurant together, he says <sup>1223</sup>.

Ali EL HADDAD ASUFI is introduced to Mohamed BAKKALI during the course of Arabic which he follows with Ibrahim and Khalid EL BAKRAOUI. He also trades with him.

After the terrorist attacks, Ali EL HADDAD ASUFI consults a psychiatrist : he does not sleep any more, people talks about him and he is not proud to spend time with Ibrahim EL BAKRAOUI, he explains.

**C – For the record <sup>1224</sup> : HIS INVOLVEMENT IN PARIS TERRORIST ATTACKS**

The French justice reproaches to Ali EL HADDAD ASUFI to help to Ibrahim EL BAKRAOUI to pass to Turkey, country through which he could travel to Syria.

In June 2015, he drives Ibrahim EL BAKRAOUI to the Schiphol's airport to allow him to travel to Syria. Arrested by the Turkish police services on the Syrian border with other people suspected to desire to join the terrorists groups. Ibrahim EL BAKRAOUI still manages to contact Ali EL HADDAD ASUFI via son Facebook account

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<sup>1222</sup>/ PV 536/17 (MOD15, C15, SF1, 17), PV 27476/16 (MOD15, C8, SF1, 49) and PV 1094/17 (MOD15, C15, SF1, 21)

<sup>1223</sup> PV 25883/17, attached in PV 32124/17, page 13/25 (MOD9, C6, SF2, 19)

<sup>1224</sup> As a reminder, the committed facts in the scope of Paris terrorist attacks are presented in this current file for information purpose only. These facts occurred in the past to the period of offence in the scope of our file. It seemed important to us to mention for each of the defendants the elements that allow us to know their state of mind and their previous history at the time when the offence period of the present case begins. The accused is only being prosecuted in Belgium for the acts committed in the context of this case.



Sworn translation of French language in English language

to reach his brother Khalid. Ali EL HADDAD ASUFI passes on to him the necessary information to enable him to contact his brother.

Ibrahim EL BAKRAOUI told him that he is going to spend holiday in Bodrum, but Ali HADDAD ASUFI reveals, in front of Investigating judge, that he did not believe him, Ibrahim EL BAKRAOUI had tried to go to Syria but he was prevented from doing so <sup>1225</sup>. He disputes with EL BAKRAOUI who did not trust him and not revealed his final destination.

Ibrahim EL BAKRAOUI was forced to return, Ali EL HADDAD ASUFI and Ibrahim EL BAKRAOUI leave for Greece on 18<sup>th</sup> of July 2015 via Charles de Gaulle airport in Paris, where they are deposited by Khalid EL BAKRAOUI, Youssef EL AJMI and Yassine ATAR. Ibrahim EL BAKRAOUI travels under the false identity of Soufiane EL HAJJAM and Ali EL HADDAD ASUFI under his identity <sup>1226</sup>. The last one returns the next day while Ibrahim EL BAKRAOUI prolongs his stay.

This is the time when ABAAOUD and several other jihadists return to Europe to commit terrorist attacks. Abdel Hamid ABAAOUD and Ayoub EL KHAZANI arrive also in Greece on 18<sup>th</sup> of July 2015 <sup>1227</sup>.

We find a voucher <sup>1228</sup> at Ali EL HADDAD ASUFI's home from 20<sup>th</sup> of July 2015 <sup>1229</sup> for cruise reserved from 26<sup>th</sup> of July to 2<sup>nd</sup> of August with departure from Venice with stops in Greece, Turkey and Croatia on the name of Soufiane EL HAJJAM <sup>1230</sup>. The investigators make a connection with Khalid EL BAKRAOUI who reserved a travel to Venice on 23<sup>rd</sup> of July 2015. Investigation reveals that Ibrahim EL BAKRAOUI does not embark on the cruise : he takes a flight from Venice to Athens on 24<sup>th</sup> of July 2015. The same day, his brother Khalid takes a flight from Gosselies to Athens.

Everything suggests that the two brothers EL BAKRAOUI saw each other in Athens, at the moment ABAAOUD was there too <sup>1231</sup>. Khalid EL BAKRAOUI returns with flight Athens-Düsseldorf on 26<sup>th</sup> of July 2015 <sup>1232</sup> while Ibrahim EL BAKRAOUI tries one more time to enter in Turkey. He is arrested in Antalya on 11<sup>th</sup> of August and expelled via Schiphol on 28<sup>th</sup> of August 2015.

As far Ali EL HADDAD ASUFI is concerned he leaves at the end of July several weeks on holiday to Maroc where his brother gets married on 29<sup>th</sup> of July 2015.

Being back in Belgium, Ibrahim and Khalid EL BAKRAOUI prepare actively arrival and installation in different hideouts of the authors of terrorist attacks on 13<sup>th</sup> of November 2015.

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<sup>1225</sup> PV Hearing by Investigating judge on 9<sup>th</sup> of June 2016, MOD 9, C6, SF2, 4.

<sup>1226</sup> At the moment of tickets reservations (paid cash), Ali EL HADDAD ASUFI leaves his number "32484077109" as a contact number (PV 40389/16, MOD15, C12, SF2, 20)

<sup>1227</sup> PV 25883/17 p17/25, joined by PV 32124/17 (MOD9, C6, SF2, 19)

<sup>1228</sup> Left by Khalid EL BAKRAOUI in the rented car to go to Maroc and taken by Ali EL HADDAD ASUFI when he was emptying the car upon his return.

<sup>1229</sup> PV 48449/16 (MOD9, C6, SF2, 16)

<sup>1230</sup> PV 044034/16 (MOD10, C3, SF10A, 1)

<sup>1231</sup> According to Ali EL HADDAD ASUFI, Ibrahim EL BAKRAOUI is arrested and Khalid joins him to bring him his real identity documents and makes it possible for him to return. No traces of this arrest were found in Greece during Letters rogatory executed in Athens.

<sup>1232</sup> PV 43666/15 (MOD15, C12, SF2, 43) and PV (MOD 15, C17, SF1, 9B)

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Sworn translation „ne varietur“ from French language in English language

Diana Michelova

VTI 2535639

Mornimont

17th of June 2022



Sworn translation of French language in English language

Coming back from his holiday on 4<sup>th</sup> of September 2015, Ali EL HADDAD ASUFI visits several times his friend Ibrahim EL BAKRAOUI, who visible wants to remain in his secrecy, he found shelter in Verviers at Mohamed BAKKALI's brother.

Investigation revealed that Ali EL HADDAD ASUFI goes there namely on 19<sup>th</sup> of September 2015, accompanied by Yassine ATAR (Oussama ATAR's brother), to meet there with Ibrahim EL BAKRAOUI and Mohammed BAKKALI. In the evening they go to Liège on a trip which everybody wanted to hide.

On 2<sup>nd</sup> of October, Ali EL HADDAD ASUFI's cell phone activates at the end of the day close to antennas situated in Charleroi, of which some of them covers rue du Fort street, where is situated one of the apartments rented on the name of Ibrahim MAAROUFI by Khalid BAKRAOUI, in order to provide shelter to kamikazes of Paris terrorist attacks.

To explain his presence close to this antenna, Ali EL HADDAD ASUFI declares that he was going to see one of his colleagues who was ill and he brought him pastries <sup>1233</sup>. Patte Christophe confirms this visit but specifies "He came only once. He did not come in. He has just dropped Moroccan pastries. He was accompanied. The car was parked further away but I cannot describe the person who came with him. He came with his car Mini" <sup>1234</sup>.

In September 2015, Ali EL HADDAD ASUFI meets Smail FARISI, old friend from school who, like him and Ibrahim EL BAKRAOUI, attended René Cartigny Institute. Like Ibrahim EL BAKRAOUI "he did not know too much where to go" but he had to empty the apartment in Verviers <sup>1235</sup>, Smail FARISI accepts to sub-rent the apartment. Ali EL HADDAD ASUFI visits the studio apartment with Smail FARISI and Ibrahim EL BAKRAOUI on 3<sup>rd</sup> of October 2015 and Ibrahim BAKRAOUI moves in on 4<sup>th</sup> of October 2015.

The videos from security cameras installed in Avenue des Casernes, confirm this visit. <sup>1236</sup>.

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<sup>1233</sup> PV 29138/16 (MOD15, C9, SF2, 19), PV 13129/19 (MOD15, C29, SF1, 4) and PV 11396/17 (MOD9, C2, SF1, 17). Further checks performed in a more detailed way on the basis of antennas and cells bring up the fact that these 3 antennas (and their cells) do not cover Rue du Fort in April 2016. But it is impossible to know the position of the antennas in October 2015. Cfr. PV 15511/17 (MOD15, C17, SF1, 11b): the investigators write: "As the data is only kept for 12 months, it is possible that the situation in April 2016 is not the same as in October 2015. However, the operator was not able to tell us whether any changes have been made to the targeted antennas."

<sup>1234</sup> PV 11396/17, (MOD9, C2, SF1, 17)

<sup>1235</sup> Psychiatric expertise (MOD7, C7, SF8, 5). Indeed, Ibrahim EL BAKROUI had to free the apartment in Verviers because his owner Abdelmajit BAKKALI, came back from Maroc on 26<sup>th</sup> of September 2015 (cfr. PV 20108/17, MOD 15, C19, SF2, 30 : Bakkali Abdelmajid lands on 26<sup>th</sup> in Düsseldorf), which obliges Ibrahim EL BAKRAOUI to find another hideout.

<sup>1236</sup> Indeed, Ali EL HADDAD ASUFI arrives in the block of flats with Ibrahim EL BAKRAOUI and Smail FARISI on 3<sup>rd</sup> of October 2015 at 23:24 and leaves half an hour later. The next day, Ali EL HADDAD ASUFI is filmed helping Smail FARISI to move his belongings. A few hours later, he arrives by car with Ibrahim EL BAKRAOUI, who was moving into the address. Chronology of contacts between Smail FARISI and Ali HADDAD ASUFI at that time, see PV 14269/19, MOD9, C7, SF2, 13 (see also PV Hearing by Investigating judge, MOD9, C7, SF2, 10)



Sworn translation of French language in English language

On the 4<sup>th</sup> of October 2015, Ali EL HADDAD ASUFI is seen in block of flats in Avenue des Casernes at 20:57 hours and 23:15 hours. Between these two moments, detection of telephone reveals that he is present on the antenna placed in Avenue Paul Deschanel, which covers apartment in rue Henri Bergé street <sup>1237</sup>.

Ali EL HADDAD ASUFI, after he helped him to move in, visits often EL BAKRAOUI.

Youssef EL AJMI comes to see him too. He rents a Volkswagen Polo from 23<sup>rd</sup> of October until 21<sup>st</sup> of November 2015. Ibrahim EL BAKRAOUI uses this car during its location. Youssef EL AJMI and Ali EL HADDAD ASUFI return this car on 21<sup>st</sup> of November 2015 after driving with that car 2845 km in one month.

Investigation reveals that Ali EL HADDAD ASUFI helped to Ibrahim EL BAKRAOUI in the search for weapons, with the help of contacts which his cousin has with dealers of weapons in Netherland.

Indeed, the investigators highlight conversations on WhatsApp hold between the two cousins, in which the codes are used <sup>1238</sup>. Particularly is the question of so called "Clio". Ali EL HADDAD ASUFI wants to buy "5". The proposed prices are : "2 for 2200 euro" and "3 for 2700 euro" <sup>1239</sup>.

The investigators reveal the encoded addresses in Ali EL HADDAD ASUFI's GPS. On 28<sup>th</sup> of October 2015, he entered the addresses which took him not to Amsterdam where his family lives, but to Rotterdam <sup>1240</sup>. Among these, some of them are linked to the addresses of people known as mediators or as weapons dealers <sup>1241</sup>.

Ali EL HADDAD ASUFI's phone records confirm that he travelled on 28<sup>th</sup> of October 2015. The day before Ali EL HADDAD ASUFI has an exchange of contacts with Ibrahim EL BAKRAOUI <sup>1242</sup>, which are related to the appointment for the next day.

The same, during his return to Brussels, explicit messages are being exchanged <sup>1243</sup>.

Ali EL HADDAD ASUFI pretends that the coded conversations are concerning drugs.

But the circumstances and precautions surrounding the trip on 28<sup>th</sup> of October to Rotterdam do not sit well with the purchase of cannabis.

On the contrary, two elements greatly reinforce the hypothesis that the trip in October 2015 was indeed about the purchase of weapons :

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<sup>1237</sup> PV 26201/17 joined by PV 32124/17, MOD9, C6, SF2, 19

<sup>1238</sup> PV 41344/17 and PV 41083/17, joined to the file with PV 008226/18 (MOD15, C23, SF1, 9).

<sup>1239</sup> PV 41344/17 joined to the file with PV 008226/18 (MOD15, C23, SF1, 9).

<sup>1240</sup> Particularly address "Wolphaerstocht", known in the scope of infringement of the law on weapons.

<sup>1241</sup> PV40244/16 (MOD15, C13, SF2, 2) : "Wolphaerstocht", 356 "(address of certain Richard VAN GILS) and "Langerhorst2" (address of his son Rick VAN GILS). Van Gills are both of them known for infringement of the law on weapons and munitions. Other stops of Ali EL HADDAD ASUFI that evening are the places known in relation to the dealers with weapons (certain Mostafa EL BARKANY).

<sup>1242</sup> PV 41083/17 joined to file with PV 008226/18 (MOD15, C23, SF1, 9).

<sup>1243</sup> Search in the same cell phone reveals that to show the satisfaction and the success of their project., Ali EL HADDAD ASUFI sends two messages to WhatsApp to Anass AFADASS on 28<sup>th</sup> of October 2015 at 23:56 hours : " Everything goes well" next day and on 29<sup>th</sup> of October 2015 at 5:09 hours : "Thank you cousin", followed with "You are the best".

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Sworn translation „ne varietur“ from French language in English language  
Diana Michelova      VTI 2535639      Mornimont      17th of June 2022





Sworn translation of French language in English language

1° Osama KRAYEM declares to the Investigating judge PANOU <sup>1244</sup> that Ibrahim EL BAKRAOUI was going to get the weapons, which were used in Paris terrorist attacks, in Netherland. He confirms it in a subsequent hearing :

*" EL BAKRAOUI Ibrahim told me that he had gone to get the weapons in Netherland in person. He did not say whether he was accompanied. To answer your question, I think the other weapons were bought after 13<sup>th</sup> of November 2015 but not heavy weapons "*<sup>1245</sup>.

2° Serial number of machine pistol VZ58, found with BELKAID in rue du Dries street after gunfire on 15<sup>th</sup> of March 2015, proves that this weapon was bought in Netherland after it has been made fit for firing (see Supra).

While he acknowledges the help given to his friend Ibrahim EL BAKRAOUI with the exception of any role in an organised weapons trade from the Netherlands <sup>1246</sup>, Ali EL HADDAD ASUFI states that he has never acted with the aim of participating in the activities of a terrorist group.

favour for a friend "who is a petty criminal who had not been to see his assistant in justice" <sup>1247</sup>. He claims that he did not imagine what could happen.

**D – HIS INVOLVEMENT IN BRUSSELS TERRORIST ATTACKS**

Involvement of Ali EL HADDAD ASUFI in Brussels terrorist attacks can be particularly resumed as follows :

**1. First arrest of Ali EL HADDAD ASUFI on 24<sup>th</sup> of March 2016**

Ali EL HADDAD ASUFI was deprived of liberty on 24<sup>th</sup> of March 2016. Concentrating on cell phone analysis the investigators pointed out the contacts between his number ("32484977109") and those of Khalid EL BAKRAOUI, Ibrahim BAKRAOUI, Yassine ATAR and Mohammed BAKKALI. On the top, Ali EL HADDAD ASUFI was in Zaventem on 22<sup>nd</sup> of March 2016.

A police search is made in his home <sup>1248</sup>. Some objects were seized in order to be analysed; others are fast given back to him <sup>1249</sup>.

Ali EL HADDAD ASUFI shows collaboration during his first hearing <sup>1250</sup>.

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<sup>1244</sup> PV hearing by Investigating judge PANOU, on 8<sup>th</sup> of November 2016, joined with PV 47688/16, MOD9, C5, SF1, 10 (enclosure 5)

<sup>1245</sup> PV 19007/18, MOD 20, C1, SF1, 27

<sup>1246</sup> Nevertheless we remember KRAYEM's declaration : "Ibrahim EL BAKRAOUI told me he would go to collect the weapons in Netherland. I do not have more details (...) I do not know whether he was alone or not" see PV 47688/16 (MOD 9, C5, SF1, 10) and PV 31471/19, hearing joined with PV 018675/21 (MOD21, C2,31)

<sup>1247</sup> PV hearing by Investigating judge on 9<sup>th</sup> of June 2016, MOD9, C6, SF2, 4

<sup>1248</sup> PV 13467/16 (MOD14, C14, SF3, 1)

<sup>1249</sup> PV 17028/16 (MOD15, C4, SF1, 10) and PV 17577/16 (MOD15, C4, SF2, 28)

<sup>1250</sup> PV 13467/16 (MOD19, C6, SF2, 1)



Sworn translation of French language in English language

Therefore, he explains his presence in Zaventem airport with the fact he works there, engaged by LSG company. He started his service at 6:30 that day.

Interrogated about the terrorist attacks, he declares to have "a lot of desolation, sadness" He would be against Islamic State and adds "I do not know any people in the circle of my close or distant friends who would agree with the philosophy of Islamic State" <sup>1251</sup>.

Ali EL HADDAD ASUFI explains having contacts with Ibrahim EL BAKRAOUI on the basis of a friendship and declares, first of all, that he has seen him last time "during summer 2015", before leaving on holiday and did not see him after.

Nevertheless he recognizes that "in his neighbourhood " some of them might think that Ibrahim EL BAKRAOUI went to Syria. He adds "His opinion, as far Islamic State is concerned, was rather favourable. He was for Islamic State. At the beginning, EL BAKRAOUI Ibrahim was rather petty criminal. Easy money, stealing, ... Afterwards, he was in contact with his cousin who returned from Iraq. (...) His name is ATAR Oussama. I remember Oussama going to see Ibrahim in prison. When Ibrahim got out of the prison, he saw – hang out with Oussama and he started to change his attitude in relation to Islam. His attitude was firmer and harder, radical in relation to prayers, to women, ... he became radical" <sup>1252</sup>.

Ali EL HADDAD ASUFI finally admits seeing Ibrahim EL BAKRAOUI in Brussels in September 2015, and on the occasion of one of his meeting, Ibrahim EL BAKRAOUI admits he wanted to go to Syria, that he has always wished to go there "because he knew that there were conditions in Belgium (Editor's note conditional release) and he risked going back to prison. To go to Syria, he looked for a woman. He wanted to go to live under the laws of Islamic State because he did not have any more future in Belgium (...)" <sup>1253</sup>.

At the end of September, he saw, as he says, Ibrahim EL BAKRAOUI in Gare du Midi Railway Station, who explains him "in a few words his situation", the fact that he is wanted, his conditional release collapsed, normally he needs to return to prison and that he is staying "most of the times in Liège", without specifying his address.

He pretends not to maintain close links with Mohammed BAKKALI and Khalid EL BAKRAOUI, he knows him however by sight, he explains the contacts he could have with those people are via purchase of second-hand household appliances.

He also specifies :

"Oussama (ATAR) was often in company of Ibrahim's brother, i.e. EL BAKRAOUI Khalid. I cannot say that they have been together all the time, but very often. At the moment, according to what has been said in the neighbourhood, Oussama ATAR is now in Syria. I am not sure; those are rumours of the neighbourhood. As far I am concerned, I do not see

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<sup>1251</sup> PV 013451/16, MOD9, C6, SF2, 1

<sup>1252</sup> PV 013451/16, MOD9, C6, SF2, 1

<sup>1253</sup> PV 013451/16, MOD9, C6, SF2, 1



Sworn translation of French language in English language

Oussama. As for Khalid I do not see him, When I see him, I say hello – goodbye, briefly. I have never been in a contact by telephone with Khalid” <sup>1254</sup>.

He did not know about the fact that EL BAKRAOUI brothers could fabricate an explosive. Confronted to the pictures, he declares not knowing LAACHRAOUI, neither Mohamed ABRINI, nor Salah ABDESLAM <sup>1255</sup>.

On the basis of his explications Ali EL HADDAD ASUFI is free to go after his hearing.

**2. Evolution of Investigation**

The progress of the investigation reveals that the first declarations of the accused do not correspond exactly to the reality, namely in several points.

On the contrary of his first declaration, Ali EL HADDAD ASUFI knows well the hideout of both brothers EL BAKRAOUI and he visits them on regular basis.

Exploitation of Facebook account “Ibrahim BIMS” used by Ibrahim EL BAKRAOUI reveals the contacts which were followed a lot in June and July 2015 <sup>1256</sup> at the time Ibrahim EL BAKRAOUI was arrested in Turkey.

Ali EL HADDAD ASUFI has also known the two telephone numbers of Khalid EL BAKRAOUI and maintains also contacts with him.

Analysis of a fax receipt, found on 25<sup>th</sup> of March 2016 behind left sun visor in the car of accused, reveals that on its back is written by hand “Remington 1911cal 45 and CZ Zastava 7,65”.

Finally, analysis of the computer found in Max Roos street highlights a message recorded by Ibrahim EL BAKRAOUI dated on 21<sup>st</sup> of March 2016 : In this message, the kamikazes reveals they will attack airport saying, “ brother gave us as an information the in the morning, there are American flights, Russian flights, Israeli flights”. Well, Ali EL HADDAD ASUFI works in Zaventem Airport.

Advances of the investigation makes possible to hear the accused again.

**3. Regular visits of Ali EL HADDAD ASUFI in Avenue des Casernes**

After discovery of the apartment in Etterbeek on 9<sup>th</sup> of April 2016, the investigators search through the video from surveillance camera placed at the entrance to the block of flats. They state that

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<sup>1254</sup> PV 013451/16, MOD9, C6, SF2, 1

<sup>1255</sup> The investigators could not interrogate him about Avenue des Casernes nor his contacts with Smail FARISI because they have not been aware of this hideout. But Ali EL HADDAD ASUFI does not obviously speaks spontaneously.

<sup>1256</sup> 23090/16 (MOD10, C2, SF13, 1)





Sworn translation of French language in English language

presence of Ali EL HADDAD ASUFI in these premises is not limited to his intervention to make the flat available to Ibrahim EL BAKRAOUI.

Ali EL HADDAD ASUFI meets regularly with Ibrahim and Khalid EL BAKRAOUI in this place. After Paris terrorist attacks, we notice presence in these premises many times, namely :

- 2 times in November 2015, of which on 18<sup>th</sup> of November, the day of intervention in Saint-Denis where ABAAOUD and AKROUH are neutralised : he comes with his friend EL AJMI and they bring with them the pizzas <sup>1257</sup>.
- In December 2015 <sup>1258</sup>, he has been noticed there on 14<sup>th</sup> and 15<sup>th</sup> (bringing pizzas to Ibrahim and Khalid EL BAKRAOUI <sup>1259</sup>), 16<sup>th</sup> and 24<sup>th</sup> of December.
- On 8<sup>th</sup> of January 2016 : he comes with two pizzas at 23:37. He leaves the block of flats at 2:38 hours next day, with two boxes brought with him earlier <sup>1260</sup>.

Later on, other contacts between Ali EL HADDAD ASUFI and Ibrahim EL BAKRAOUI are revealed, not any more by the video from security cameras, but via telephone analysis.

Ali EL HADDAD ASUFI admits that he has passed few times : they "*are friendly visits*" during which we talk "about everything and nothing" <sup>1261</sup>.

During reconstitution, Ali EL HADDAD ASUFI is questioned by Investigating judge : " We ask the accused if Ibrahim spoke about Daesh and he answers us that he did not talk about it too much, no. To answer our question, he explains that there was not Islamic State flag in the apartment in rue de la Casernes street, that Smail [FARISI], namely, was against that. He said he had not seen any elsewhere" <sup>1262</sup>.

**4. Analysis of Ali EL HADDAD ASUFI's telephone**

Ali EL HADDAD ASUFI used two cell phones and mainly used two telephone numbers during the period which we are interested in.

For the reasons of clarity, we first analyse his two phones, then his two regular numbers.

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<sup>1247</sup> PV 29252/16, MOD15, C9, SF2, 24

<sup>1258</sup> We notice that arrest of Mohamed BAKKALI on 26<sup>th</sup> of November 2015 did not have any influence on the contacts which Ali EL HADDAD ASUFI continues to have with Ibrahim and Khalid EL BAKRAOUI.

<sup>1259</sup> PV 006379/19, MOD15, C28, SF1, 1 and PV 32611/16, MOD15, C12, SF1, 6

<sup>1260</sup> PV 22381/16 (MOD15, C6, SF1, 50A) and PV 32611/16, MOD15, C12, SF1, 6

<sup>1261</sup> PV 26201/17, joined with PV 32124/17, MOD9, C6, SF2, 19

<sup>1262</sup> reconstitution, MOD11, C2, SF11, 3



Sworn translation of French language in English language

a) Cell phones used by Ali EL HADDAD ASUFI

1. Cell phone SAMSUNG Galaxy S6 Edge <sup>1263</sup>

This cell phone is seized during his first arrestation.

It has been returned to him on 14<sup>th</sup> of April 2016 without any extraction of its content, it was not possible, the telephone was protected by a security code.

Ali EL HADDAD ASUFI starts to use this cell phone on 22<sup>nd</sup> of July 2015, i.e. before leaving on his holiday to Maroc. He inserts in it a usual telephone number regularly used; it means "32484917109".

This Samsung telephone is seized again during his second arrest on 9<sup>th</sup> of June 2016.

While Ali EL HADDAD ASUFI explains that this is his main telephone <sup>1264</sup>, investigators are astonished by not finding anything than a few elements (SMS, calls, history, web etc.) for a year 2015.

Comparison of analysis for this telephone and SIM card which is placed in it reveals that between the first seizure of his telephone made on 25<sup>th</sup> of March 2016 and second seizure of this telephone made on 9<sup>th</sup> of June 2016, Ali EL HADDAD ASUFI erased all the contacts he had with Yassine ATAR, Khalid EL BAKRAOUI and Mohamed BAKKALI <sup>1265</sup>.

Those however appear again when analysis of SIM card placed in the telephone is performed. As far the calls dialled and received are concerned via application Viber and WhatsApp in 2015, only a part <sup>1266</sup> could be recovered by specialised services.

Ali EL HADDAD ASUFI explains him with the fact that "this is a habit for me. I have always done that. I did not know that there will be a second arrest" <sup>1267</sup>.

Analysis of his telephone allows the investigators do discover four e-mail addresses used by Ali EL HADDAD ASUFI :

Marco-polo6900@hotmail.com  
Ali.asufi.1984@gmail.com  
l@bbdo-be.cccampaigns.com  
Samhadad6900@gmail.com

The first address is the one which contains the most of information : it is linked to his Facebook profile "Samir Nasri".

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<sup>1263</sup> PV 260/16 (MOD15, C8, SF1, 15D)

, PV 14914/19 (MOD15, C30, SF1, 2A), PV 028061/16 (MOD15, C9, SF2, 1) The cell phone is registered with following IMEI number 352564070334189

<sup>1264</sup> PV 006248/17, MOD9, C6, SF2, 17

<sup>1265</sup> PV 14914/19, MOD15, C30, SF1, 2A

<sup>1266</sup> PV 028061/16, MOD15, C9, SF2, 1 (and PV 41344/17 from "B-PARIS")

<sup>1267</sup> PV11399/19, MOD9, C6, SF2, 21



Sworn translation of French language in English language

Even if we do not find a jihadist context in the data not erased, we observe attraction for Islam in general : Hadiths, prayers, picture of Mohamed's tomb, invocations, pictures with the following texts "SAVE SYRIA" "I am Syria" or "I am Palestine". There we find also pictures of soldiers from different countries.

Pictures are found in the telephone : it concerns namely pictures of him taken on 7<sup>th</sup> of October 2015 in museum of Diamant in Amsterdam, pictures of lions, set of pictures of women in jibab, pictures of car for sale (not the Clio) and the photos and films from holidays.

Several conversations WhatsApp hold between Ali EL HADDAD ASUFI and his cousin Anass AFADASS are still in the cell phone <sup>1268</sup> (see infra).

On 5<sup>th</sup> of June 2016, he visits websites publishing the articles in link with the terrorist attacks in Brussels.

2. Cell phone NOKIA 108 (RM-945) <sup>1269</sup>

This device is found at Ali EL HADDAD ASUFI's place during first police search made on 25<sup>th</sup> of March 2016 <sup>1270</sup>.

It has been used during the period from 2<sup>nd</sup> of July 2013 until 28<sup>th</sup> of October 2015.

b) Telephone numbers used by Ali EL HADAD ASUFI <sup>1271</sup>

We limit ourselves to display the main SIM cards of which Ali EL HADDAD was a holder <sup>1272</sup>.

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<sup>1268</sup> Analysis PV 41344/17, joint with PV 008226/18 (MOD15, C23, SF1, 9).

<sup>1269</sup> PV 28395/16, MOD15, C9, SF1, 49

<sup>1270</sup> PV 13467P16 MOD6, C5, SF2, 30B)

<sup>1271</sup> Several SIM cards and supports of SIM cards were seized but were given back to Ali EL HADDED ASUFI after the first police search made in his place. Analysis of telephone for the period from 27<sup>th</sup> of January 2016 until 27<sup>th</sup> of January 2017 does not contribute to the investigation, and it is not going to be continued here (see PV 3895/17, MOD10, C3, SF30, 1 and PV 5790/17, MOD15, C15, SF2, 25).

<sup>1272</sup> However we reveal existence, among the numbers which are attributed to him, of "32488364862" number (see PV 001571/17, MOD15, C15, SF1, 30A). This is also a number (it will be difficult for him to admit it belongs to him) with which he will make communication with Khalid EL BAKRAOUI and which he would like to keep discreet. (cfr. PV 006248/17, MOD9, C6, SF2, 17). We reveal that in the communication intercepted, Khalid EL BAKRAOUI calls Ali EL HADDAD ASUFI "my friend" and "brother".



Sworn translation of French language in English language

1°. The main number "32484977109" used in SAMSUNG Galaxy S6 cell phone.<sup>1273</sup>

This SIM card Base is used in SAMSUNG Galaxy S6 Edge, cell phone of Ali EL HADDAD ASUFI.

Seized on 24<sup>th</sup> of March 2016, it could be entirely exploited<sup>1274</sup> (on the contrary of his cell phone).

"32484977109" is the main number which Ali EL HADDAD ASUFI recognizes like his<sup>1275</sup>.

It is with this number he contacts Smail FARISI. We count 22 contacts between 4<sup>th</sup> of September 2015 and 4<sup>th</sup> of October 2015<sup>1276</sup>.

Its localisation confirms that on 22<sup>nd</sup> of March 2016, Ali HADAD ASUFI was present at the airport from 6:00 hours to 10:42, i.e. the moment of the facts.

In the list of contacts on this SIM card we find numbers of his friends, his family, his work and namely those of Ibrahim and Khalid EL BAKRAOUI, Yassine ATAR, Youssef EL AJMI, his cousin Anass AFADASS and the one of Nawal ADHAR, Khalid EL BAKRAOUI's wife<sup>1277</sup>.

The Investigators bring up the fact that Ali HADDAD ASUFI made trips which are in contradiction with his declarations or concern these which he did not mention at all. They notice that he switches off his phone at the most decisive moments.

It has already been the case with preparation of Paris terrorist attacks<sup>1278</sup>. It is again the case on 19<sup>th</sup> of January 2016 :

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<sup>1273</sup> This cell phone has been seized for the first time on 24<sup>th</sup> of March 2016. It will be returned to him on 14<sup>th</sup> of April 2016, without any extraction possible to make, the cell phone is protected by a security code. The SIM card "32484977109" could be exploited (PV 013819/16, MOD 14, C16, SF1, 30).

<sup>1274</sup> PV 013819/16, MOD6, C8, SF10, 6

<sup>1275</sup> PV 006248/17, MOD9, C6, SF2, 17

<sup>1276</sup> Of which 9 in one day on 23<sup>rd</sup> of September 2015 (PV 14629/19). A screen with calls is shown in PV 6406/19 joined with PV 14629/19 (MOD9, SF7, SF2, 13). The first contact between two main players is a call of Ali EL HADDAD ASUFI to Smail FARISI on 4<sup>th</sup> of September 2015

<sup>1277</sup> PV 24102/16 (MOD15, C14, SF1, 3)

<sup>1278</sup> In this way, on 19<sup>th</sup> of September 2015, the telephone number of Ali EL HADDAD ASUFI goes from Brussels to Verviers from 14:37 hours until 15:24 hours. After, there is no more activation until 19:17 hours, the hour it activates on the antenna which covers the apartment of Mohamed's BAKKALI's brother (where Ibrahim EL BAKRAOUI found a hideout). This number then goes to Liège. It is on the antenna of Bressoux between 20:15 hours and 21:15 hours. It goes back to Verviers (suggesting he was driving back Ibrahim EL BAKRAOUI). Finally, he is back on the antenna which serves his place in Brussels at 23:07 hours (PV 6248/17, MOD9, C6, SF2, 17 and PV 30108/17, MOD15, C19, SF2, 30). Questioned, EL HADDAD ASUFI replies evasively that he has a vague recollection of this trip which was motivated by "going out to eat".

Therefore, when Ali EL HADDED ASUFI declares to follow football match France – Germany on the TV at his place (PV 008226/18, MOD15, C23, SF1, 9) the night of Paris terrorist attacks, analysis of his telephone line shows that he travels during evening of 13<sup>th</sup> of November 2015 (PV 008226/18, MOD15, C23, SF1, 9)

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Sworn translation „ne varietur“ from French language in English language

Diana Michelova

VTI 2535639

Mornimont

17th of June 2022





Sworn translation of French language in English language

Indeed on 19<sup>th</sup> of January, Ali EL HADDAD ASUFI activates on the antennas of Square Riga and Chaussée de Vilvoorde (which cover both the apartment in rue Max Roos street) before 22:30 hours. That day, at 19:24, was made the first telephonic contacts <sup>1279</sup> of Ibrahim EL BAKRAOUI with ARAUJO DA SILVA, owner of the apartment, leaving a suggestion to visit at the address <sup>1280</sup>.

Analysis of the telephone number tells us also that ALI EL HADDAD ASUFI activates on the antenna, which covers Avenue des Casernes, also on the other days than the one where he is seen on the video from a security camera, several times in December and in January <sup>1281</sup>, at the exact moments when we see Ibrahim EL BAKRAOUI entering or getting out from the block of flats, suggesting that he drives his friend or meets him <sup>1282</sup>.

It has already been in the case on 7<sup>th</sup> of October 2015 <sup>1283</sup>, It is yet another case :

- 30<sup>th</sup> of December 2015 : When Ibrahim EL BAKRAOUI gets out of Avenue des Casernes, a number so called "German" (but in real terms, a phone shop <sup>1284</sup>) contacts for 15 seconds Ali EL HADDAD ASUFI. He drives to the antenna which covers Avenue des Casernes, which tends to confirm a meeting.

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EL HADDAD ASUFI explains that went to see "his friend" before the end of the match, but he adds "to answer your question, I prefer not to say his name "(PV026201/17, joined with PV 32124(17, MOD9, C6, SF2, 19). So then, few hours later, on 14<sup>th</sup> of November 2015, Ali EL HADDAD ASUFI received message on "Viber application". It comes from a number "32487498365". User of this number is identified as being Ibrahim EL BAKRAOUI. This number has also contacted with Khalid EL BAKRAOUI (on different numbers), with BAKKALI via an iPad found in rue Henri Bergé street. Ali EL HADDAD ASUFI does not remember this call via Viber, lasting 22 seconds on 14<sup>th</sup> of November 2015 (PV 47535/17 joined with PV 24815/18, MOD15, C26, SF1, 5). As well as, on 15<sup>th</sup> of November 2015 at 20:13 hours, the members of a cell based in Belgium are in contact with ABAOUD and contact on the phone his cousin Hasna AIT BOULAHCEEN to help him while he is France. The same day at 20:32 hours, Ali EL HADDAD ASUFI switches off his telephone when he leaves home, and he activates it again at 22:52 hours. Ali EL HADDAD ASUFI did not want to let know what he was doing during this evening (PV 32851/17 joined with PV 008226/18, MOD15, C23, SF1, 9). Ali HADDAD ASUFI is used to "cut off" his phone during important moments. Another example (PV 25903/17 joined with PV 008226/18, MOD15, C23, SF1, 9) : on 11<sup>th</sup> of November 2015 (the day when all the kamikazes SIM cards were activated in Brussels), during the period of activation of those cards, Ali HADDAD ASUFI switches off his cell phone (i.e. from 11<sup>th</sup> of November at 15:34 hours to 12<sup>th</sup> of November at 5:41 hours).

<sup>1279</sup> Bail is signed for Ibrahim EL BAKRAOUI on 21<sup>st</sup> of January 2016 between 17:52 hours and 18:13 hours.

<sup>1280</sup> PV 22274/18 (from "B-PARIS) C153, SF1, 2. The investigators bring out that Ali EL HADDAD ASUFI could meet cousin of Ibrahim EL BAKRAOUI, who activates on the same antennas.

<sup>1281</sup> On 30<sup>th</sup> of December from 15:12 to 15:17, on 11<sup>th</sup> of January 2016 from 00:50 hours to 00:52 hours, on 22<sup>nd</sup> of January 2016 at 1:35 hours at the moment Ibrahim enters in the block of flats in Avenue des Casernes.

<sup>1282</sup> PV 35630/17 joined with PV 008226/18 (MOD15, C23, SF1, 9)

<sup>1283</sup> Indeed, on 7<sup>th</sup> of October 2015, EL BAKRAOUI and Ali EL HADDAD ASUFI leave together the block of flats in Avenue des Casernes. According to the antennas activated, they go to Netherland for more than 6 hours. On their return, Ali EL HADDAD ASUFI passes through Schaerbeek : his phone activates on the antennas which cover directly Avenue Henri Bergé (PV 35630/17 joined with PV 008226/18 (MOD15, C23, SF1, 9)

<sup>1284</sup> It concerns a cell phone shop : "We noticed that during most of his entries to Avenue des Casernes 39 in Etterbeek in the company of EL BAKRAOUI Ibrahim, EL HADDAD ASUFI received a phone call from the number coming from the cell phone shop (number with prefix of Bhutan, Laos, Bolivia, ...). This number has probably been used by EL BAKRAOUI Ibrahim. Those phone calls, always received on the telephone number of EL HADDAD ASUFI, had, without any doubts, the aim to make an appointment in order that he picks him up and

drives him to the conspirative apartment in rue Henri Bergé street" (PV 35630/17 joined with PV 008226/18 (MOD15, C23, SF1, 9).

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- On 11<sup>th</sup> of January 2016 : the cell phone of Ali HADDAD ASUFI activates on the antenna which covers block of flats in Avenue des Casernes from 00:50 hours to 00:52 hours. Six minutes later, we can see Ibrahim EL BAKRAOUI entering in the block of flats.
- On 22<sup>nd</sup> of January : Ali EL HADDAD ASUFI activates on the antenna of the block of flats in Avenue des Casernes at 1:33 hours. Ibrahim EL BAKRAOUI enters in the block of flats at 1:35 hours. Yet, Ibrahim EL BAKRAOUI signs the contract about rent for the apartment in rue Max Roos street, during the evening from 21<sup>st</sup> to 22<sup>nd</sup> of January 2016. The analysis of the cell phone shows that very probably Ali EL HADDAD ASUFI drives back his friend after the meeting with the owner.
- On 27<sup>th</sup> of January 2016 : Ibrahim EL BAKRAOUI leaves Avenue des Casernes at 19:22 hours. He does not come back before 27<sup>th</sup> of January 2016 at 2:07 hours, and we notice that Ali EL HADDAD ASUFI activates on the antenna of the block of flats at 01:57 hours and at 01:58 hours.

Besides, analysis of this main number brings out the fact that before Paris terrorist attacks, the conversations existed between Ali EL HADDAD ASUFI and his cousin Anass AFADASS concerning "Clio".

Those discussions, which started on 6<sup>th</sup> of October 2015, intrigue the investigators.

The purchase of these 5 "Clio" represents a total of 12 500 euro but no movement of money concerning this amount is detected on the Ali EL HADDAD ASUFI's accounts during the months of October and November 2015.

On 28<sup>th</sup> of October, at 18:00 hours, Ali EL HADDAD ASUFI announces to his cousin that he is leaving "I will go up, I hope I am going for nothing, I will go up now ... with my friends.."

Indeed his main telephone number 3248977109 is located in Netherlands during a little bit less than 3 hours (see infra).

Finally, cell phone analysis from two nights before the terrorist attacks interest the investigators also <sup>1285</sup> :

- The night from 20<sup>th</sup> to 21<sup>st</sup> of March 2016, Ali EL HADDAD ASUFI receives 2 phone calls with "Hungarian" numbers (at 20:40 hours and 20:41 hours) and two "German" phone calls (at 21:26 hours and 21:43 hours). These numbers seem to be used in phone-shops.

Following those phone calls, Ali EL HADDAD ASUFI leaves his home at 01:26 hours and almost all night until 05:19 hours he goes to Schaerbeek, Laeken and Brussels. Despite the fact that he starts to work at 6:00 o'clock in the morning.

- The night from 21<sup>st</sup> to 22<sup>nd</sup> of March 2016, Ali EL HADDAD ASUFI is located between 22:05 hours and 23:34 hours Rue Francois Navez street. This antenna covers apartment in

rue Max Roos street. After he is located in Laeken at 01:02 hours and 04:13 hours before he comes back home at 05:43 hours.

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1285 PV5073/19, MOD15, C26, SF2, 12A

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After he leaves to his work in Zaventem at 06:19 hours.

2° Secondary phone number “32489372438” used in his Nokia cell phone <sup>1286</sup>

Questioned on 4<sup>th</sup> of July 2016 concerning the owner of this SIM card, Ali EL HADDAD ASUFI answers : “I do not remember the numbers by heart. This number is telling me nothing at all” <sup>1287</sup>.

But the investigators discover that this number was placed in NOKIA 108 cell phone seized at Ali EL HADDAD ASUFI <sup>1288</sup> and is encoded as “me”..

This number appears among the numbers contacted by Ibrahim EL BAKRAOUI at the moment he is arrested in Turkey in June 2015 <sup>1289</sup>.

Questioned again by the Investigating judge during his recap interview on 21<sup>st</sup> of October 2016 <sup>1290</sup>, Ali EL HADDAD ASUFI finally recalls that this is well one of his numbers but he is only using it from time to time and essentially for international phone calls <sup>1291</sup>.

4. Ali EL HADDAD ASUFI'S FACEBOOK ACCOUNT

This Facebook account is opened under the alias “Samir Nasri” <sup>1292</sup> and linked to the e-mail address marco-polo6900@hotmail.com.

There are exchanges found by the investigators followed a lot by Ibrahim EL BAKRAOUI between 22<sup>nd</sup> of June 2015 and 14<sup>th</sup> of July 2015 <sup>1293</sup> at the moment he is arrested in Turkey.

Facebook account analysis of “Samir Nasri” shows Ali EL HADDAD ASUFI's attraction to Israeli-Palestinian conflict in Syria, attested by numerous downloaded pictures. He also publishes on 7<sup>th</sup> of December 2015 a picture of two women in niqab pointing the finger in the air <sup>1294</sup>. Indeed, during questioning, Ali EL HADDAD ASUFI recognized the “he likes this picture” <sup>1295</sup>.

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<sup>1286</sup> PV 28395/16 (MOD15, C9, SF1, 49) to PV 28 138/16 (MOD15, C9, SF1, 37)

<sup>1287</sup> PV 28395/16 (MOD15, C9, SF2, 6)

<sup>1288</sup> Cell phone which supported SIM card has been seized in his home on 25<sup>th</sup> of March 2016 (PV 28138/16, MOD15, C9, SF1, 37) and PV 013467/16, MOD6, C5, SF2, 30B)

<sup>1289</sup> PV 44126/17 joined by PV 8226/18, MOD15, C23, SF1, 9

<sup>1290</sup> PV recap questioning on 21<sup>st</sup> of October 2016, MOD9, C6, SF2, 14

<sup>1291</sup> PV 29992/16, cfr alos PV 24617/16 (MOD15, C7, SF1, 47) and PV 28138/16 (MOD15, C9, SF1, 37)

<sup>1292</sup> PV 23090/16 (MOD10, C2, SF13, 1)

<sup>1293</sup> PV 23090/16 (MOD10, C2, SF13, 1)

<sup>1294</sup> as a sign of tawid (Oneness of God). It is a symbol very often used by supporters of Islamic State.

<sup>1295</sup> PV 48097 (MOD9, C6, SF2, 15)



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Enclosed a black & white picture

Finally the investigators see, on his Facebook account, appear a link with the page of a Facebook group named "Islamic State of Iraq and the Levant".

Enclosed a black & white picture

Nevertheless, they cannot determine whether Ali EL HADDAD ASUFI just "like" those images, or if he downloaded them and posted himself. He does not seem to make any comment.

During second analysis <sup>1296</sup>, the investigators also notice that on his Facebook "wall", he posted discussions published by Ibrahim EL BAKRAOUI in 2014-2015, which convey the rigorous view of religion displayed by his friend.

The investigators notice by the way that Ali EL HADDAD ASUFI consulted Facebook page of "Illies Jawad Benlarbi" which contain the messages and propaganda movies of a big violence <sup>1297</sup>.

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<sup>1296</sup> PV 33246/18 (MOD15, C26, SF1, 23A)

<sup>1297</sup> PV 28061/16 (MOD15, C9, SF2, 1)





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**5. Ali EL HADDAD ASUFI's contacts with Ibrahim EL BAKRAOUI and his presence in rue Max Roos street.**

Apart from the visits which Ali EL HADDAD ASUFI pays to Ibrahim EL BAKRAOUI in the apartment in Avenue des Casernes or the meals he brings, it seems that Ali EL HADDAD ASUFI regularly steps in on the request of Ibrahim EL BAKRAOUI to serve him as a driver. Indeed, Ibrahim BAKRAOUI uses usually phone shops to contact people. Several phone calls appear to establish the facts :

- For example on 30<sup>th</sup> of December 2015, Ibrahim EL BAKRAOUI leaves the apartment in Avenue des Casernes at 15:00 hours carrying a Delhaize shopping bag. 10 minutes later, Ali EL HADDAD ASUFI receives a phone call on his usual number when he finds himself in rue de la Loi street. He leaves immediately in direction to Avenue des Casernes where he is located between 15:12 and 15:17 <sup>1298</sup> ;
- On Saturday 2<sup>nd</sup> of January 2016 Ibrahim EL BAKRAOUI leaves the apartment in Avenue des Casernes at 14:22 carrying Zeeman shopping bag. At 15:18 hours Ali HADDAD ASUFI is called from a phone-shop <sup>1299</sup>. After the call, El HADDAD ASUFI takes the direction to Forest and activates on the antenna in Avenue du Globe in the afternoon and later, in the evening, on the antenna in Chaussée de Neerstalle it means the antennas which cover apartment in rue du Dries street <sup>1300</sup>. Despite of the unusual character of this move, Ali HADDAD ASUFI does not remember it. The same day, Ibrahim EL BAKRAOUI returns to the apartment in Avenue des Casernes at 23:31 hours.
- The night from 10<sup>th</sup> to 11<sup>th</sup> of January 2016, Ali EL HADDAD ASUFI's cell phone activates from 00:50 hours to 00:52 hours in Avenue des Casernes, while at 00:58 hours Ibrahim EL BAKRAOUI has been seen at 00:58 hours to enter in the block of flats <sup>1301</sup>.
- The night from 21<sup>st</sup> to 22<sup>nd</sup> of January 2016, at the moment Ibrahim EL BAKRAOUI signs the contract about rent in rue Max Roos at the end of the day on 21<sup>st</sup>, Ali EL HADDAD ASUFI probably drives Ibrahim to Avenue des Casernes : he activates there at 1:33 hours and Ibrahim EL BAKRAOUI enters in the block of flats at 1:35 hours <sup>1302</sup>. We remind one more time that it is probably at that moment where indications concerning short weapons are inscribed on the fax receipt by Ibrahim EL BAKRAOUI to Ali EL HADDAD ASUFI <sup>1303</sup>.

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<sup>1298</sup> PV 35630/17 p22 joined with PV 008226/18 joined with PV 8226/18, MOD15, C23,SF1,9.

<sup>1299</sup> PV 10358/18 joined with PV 24815/18 (MOD15, C26, SF1, 5)

<sup>1300</sup> PV 10358/18 (p 7/21) joined with PV 24815/18 (MOD15, C26, SF1, 5)

<sup>1301</sup> PV 35630/17 joined with PV 008226/18, (MOD15, C23,SF1, 9). We do not know how they contacted each other.

<sup>1302</sup> PV 003178/18 (MOD15, C22, SF1, 16C) and PV 35630/17, joined with PV 008226/18, (MOD15, C23,SF1, 9.)

<sup>1303</sup> And in this period (from 16<sup>th</sup> to 21<sup>st</sup> of January 2016), films about assembly/disassembly of Remington are viewed by the group on both computers. (see PV 3178/18, MOD15, C22, SF1, 16C corrected by PV 013563/20, MOD15, C31, SF3, 39)

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- Ali EL HADDAD activates also the antenna the night of 27<sup>th</sup> of January at 1:57 hours and at 1:58 hours, when Ibrahim EL BAKRAOUI enters in Avenue des Casernes at 2:07 hours and when Khalid EL BAKRAOUI got out at 2:02 hours <sup>1304</sup>.

Ali EL HADDAD ASUFI refuses the idea that he served as a driver : “ I have never been a driver. Never of my life”, but I however recognize that “Ibrahim drove with me in my car, but we were going to eat” <sup>1305</sup>.

Nevertheless, when EL BAKRAOUI brothers activate themselves more and more in order to prepare the terrorist attacks which will take the place in following days, we notice increase of the phone calls coming from a phone-shop to the usual number “32484977109” of Ali HADDAD ASUFI :

- On 17<sup>th</sup> of March 2016 between 14:02 hours and 14:06 hours, 3 phone calls coming from the phone shop Global Communication situated in Laeken are dialled to the usual number of Ali HADDAD ASUFI <sup>1306</sup>. Face to face to the investigators who question about the reason of these phone calls, he prefers to entrench himself behind his right to silence <sup>1307</sup>.
- It looks like that two Hungarian numbers and two apparently German numbers (but corresponding to the phone-shops located near to the Avenue Stalingrad) are used by Ibrahim EL BAKRAOUI <sup>1308</sup>. Those phone calls arrive to Ali EL HADDAD ASUFI on 20<sup>th</sup> of March 2016 between 20:40 hours and 21:43 hours. Afterwards, the antennas activated that night by the number of Ali EL HADDAD ASUFI reveal that :
  - He leaves his home on 21<sup>st</sup> of March at 01:26 hours and goes to Laeken until 2:34 hours. He goes after to Laeken and Brussels, after he
  - returns to his home at 5:19 hours <sup>1309</sup>.
- Telephone analysis also reveals that Ali EL HADDAD ASUFI could have gone to the apartment in rue Mas Roos street on 21st of March 2016 between 22:05 hours and 23:34 hours <sup>1310</sup>.
  - Indeed, during this period (between 22:05 hours and 23:34 hours) he activates the antenna situated rue Jean-Francois Navez street. This antenna covers rue Max Roos street,

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<sup>1304</sup> PV 41130/18, MOD15, C27, SF1, 1

<sup>1305</sup> PV 10358/18 joined with PV 24815/18 (MOD15, C26, SF1, 5)


<sup>1306</sup> PV 26201/17 (p 10/12) joined with PV 32124/17 (MOD9, C6, SF2, 19)

<sup>1307</sup> PV 26201/17 joined with PV 32124/17 (MOD9, C6, SF2, 19)

<sup>1308</sup> in PV 5073/19 (MOD15, C26, SF2, 12A) the investigators reveal that the phone-shops “use the international numbers”.

<sup>1309</sup> PV 5073/19 (MOD15, C26, SF2, 12A)

<sup>1310</sup> PV 5073/19 (MOD15, C26, SF2, 12A)



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- After he goes to Laeken at 1:02 hours and stays there until 4:13 hours,
- After he returns to his place (antenna in rue Vanderlinden street) at 5:43 hours.
- He goes to work, he arrives there on 22<sup>nd</sup> of March 2016 at 6:19 hours <sup>1311</sup>.

We reveal that the external support TDK lor TF10 USB, found in his home (cfr. Infra), has been connected to the computer in the apartment in rue Max Roos for the last time at 22:57 hours <sup>1312</sup>.

The week of 18<sup>th</sup> of March 2016, Ali EL HADDAD USUFI has, in an unusual manner, taken days off <sup>1313</sup>. Bearing in mind what had happened that week (and peculiar activity of Ali EL HADDAD ASUFI during that week), the investigators question him on 24<sup>th</sup> of March 2016: "*(...) last Monday, the day before terrorist attacks, I cannot tell you any more what I was doing*" <sup>1314</sup>.

But, if we believe to ABRINI (who said that the pictures with weapons were taken on 21<sup>st</sup> of March 2016 <sup>1315</sup>), the weapons were moved in the apartment in rue Max Roos street during the night of 21<sup>st</sup> to 22<sup>nd</sup> of March 2016.

When Ali EL HADDAD ASUFI, after denying that he came in that place, finally recognizes that he was going "once" to the apartment in rue Max Roos street. <sup>1316</sup>. He claims to pass in the apartment at the beginning of its rent ("in February"), and not on 21<sup>st</sup> of March 2016.

However, we find his DNA on the cup which has been thrown to a paper box, which served as a wrapping box for Brabantia bin (bought by Osama KRAYEM on 19<sup>th</sup> of March 2016) and deposited on the pavement in rue Max Roos street on 21<sup>st</sup> of March 2016. The cup had to be thrown in it only after 19<sup>th</sup> of March 2016. We know that the bins were emptied regularly <sup>1317</sup>.

6. New research for weapons by Ali EL HADDAD ASUFI

After terrorist attacks in Paris, the group searches for new weapons to accomplish their projects.

"Audio message" found in "the computer in rue Max Roos" indicates that the research was difficult: "the weapons they were late" said LAACHRAOUI <sup>1318</sup>.

Ali El Haddad ASUFI seems concerned with the search for the weapons.

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<sup>1311</sup> After the explosions, the LSG Sky employees are dismissed: so, he goes back home.

<sup>1312</sup> It is probable that Ali EL HADDAD ASUFI received this USB key that evening (PV 25895/16, MOD15, C8, SF1, 33 and PV 042297/16, MOD15, C13, SF2, 1)

<sup>1313</sup> On 17<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> of March, he takes days off and he was not scheduled for work on 18<sup>th</sup> and 19<sup>th</sup> of March ("off days" /repos). On 22<sup>nd</sup> of March he came to work while on 23<sup>rd</sup> and 24<sup>th</sup> of March 2016 he has unjustified absence (PV 29611/21)

<sup>1314</sup> PV 013451/16, MOD9, C6, SF2, 1

<sup>1315</sup> PV Questioning made by Investigating judge on 22<sup>nd</sup> of November 2018 (MOD 9, C4, SF1, 16)

<sup>1316</sup> PV 28836/16 (MOD9, C6, SF2, 6)

<sup>1317</sup> in particular because they contained the acetone cans cut into pieces (questioning of ABRINI) PV 23311/16, MOD 9, C4, SF1, 6)

<sup>1318</sup> PV 4009P17 (MOD15, C15, SF2, 16B)

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- a) Ali EL HADDAD ASUFI still maintains contacts with his cousin Anass AFADASS after Paris terrorist attacks.

The investigators in charge of the file for Paris terrorist attacks draw attention to the fact, that Ali EL HADDAD ASUFI has numerous contacts on WhatsApp between 4<sup>th</sup> of October 2015 and 5<sup>th</sup> of June 2016 with his cousin Anass AFADASS, who lives in Netherlands and who uses telephone number "21648751804" <sup>1319</sup>. Those exchanges are mostly written in Arabic language <sup>1320</sup>.

Ali EL HADDAD ASUFI telephone analysis allows us to state that the WhatsApp contacts he maintains with Anass AFADASS were lost after Paris terrorist attacks <sup>1321</sup>.

In fact, the investigators found a vocal message left on 15<sup>th</sup> of March 2016 at 16:59 hours in which ANass AFADASS is letting know Ali EL HADDAD ASUFI "that there is nothing of what Ali had asked for" <sup>1322</sup> : "Cousin, About what you are looking for, there is nothing, there is nothing, you can abandon your hope" <sup>1323</sup>.

It needs to be revealed that Anass AFADASS is at the moment pursued in Netherland, not for drug trafficking, but due to "sale of weapons in relation with a terrorist business" <sup>1324</sup>

Those elements show that Ali EL HADDAD ASUFI went to Netherland to buy weapons for a terrorist cell responsible for Paris terrorist attacks, accompanied by Ibrahim EL BAKRAOUI, and he looked for other weapons for the cell responsible for Brussels terrorist attacks.

- b) Fax receipt found in the Ali EL HADDAD ASUFI's car

On 25<sup>th</sup> of March 2015, at the moment Ali EL HADDAD ASUFI's car MINI has been seized, the investigators discover, behind the left sun visor, receipt of a fax for Medical Certificate dated on 18<sup>th</sup> of January 2016 covering inability to work from 18<sup>th</sup> to 24<sup>th</sup> of January 2016 <sup>1325</sup>.

This Certificate has been addressed to Ali EL HADDAD ASUFI's employer on 19<sup>th</sup> of January 2016 at 17:50 hours <sup>1326</sup>.

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<sup>1319</sup> Found in Ali EL HADDAD ASUFI's list of contacts with a note "Anas Couz"

<sup>1320</sup> Analysis PV 41344/17, joined to the file with PV 008226/18 (MOD15, C23, SF1, 9)

<sup>1321</sup> Investigation establishes that Ali EL HADDAD ASUFI went 7 times to Netherlands between 1<sup>st</sup> of June 2015 and 21<sup>st</sup> of February 2016. If some of the travels were of a family reasons (for example travel in February 2016) the others seem to be exclusively motivated by purchase of firearms (PV 36368/17 joined with PV 008226/18 (MOD15, C23, SF1, 9)

<sup>1322</sup> PV 44522/18 (MOD15, C24, SF1, 4)

<sup>1323</sup> Free translation of the message found in the execution of Letters rogatory by Netherlands authorities "Neef, wat dat betreft is er niks, er is niks, je kan de hoop laten ware" (MOD21, C4-5, 73)

<sup>1324</sup> The official documents issued by the Dutch authorities (MOD21, C4-5, 73, pages 0029 to 0752)

<sup>1325</sup> PV 002662/18 (MOD15, C22, SF1, 14C)

<sup>1326</sup> PV 14314/19 (MOD15, C31, SF3, 1)

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At the back of the receipt, we found notes written by hand "Remington 1911 cal 45" and "CZ Zastava 7.65", the two handguns found on 22<sup>nd</sup> of March 2016 on the side of dead bodies of Ibrahim EL BAKRAOUI and Najim LAACHRAOUI.

Graphological analysis reveals that the handwriting is the one of Ibrahim EL BAKRAOUI <sup>1327</sup>.

This discovery can be put in parallel with the fact that at the same time, the cell downloaded on the computers found in rue Max Roos street and rue du Dries street, videos of assembly/disassembly of a Remington pistol and placement of a silencer on such a weapon :

- The files are viewed on 19<sup>th</sup> of January at 18:26 hours and on 21<sup>st</sup> of January at 4:02 <sup>1328</sup> hours on the computer found in rue Max Roos <sup>1329</sup> (but used somewhere else at that moment, because the apartment has not yet been used by the group.
- The last time those files have been opened dates on 8<sup>th</sup> of February 2016.

The comparison between the activation of the number "32484977109" of Ali HADDAD ASUFI, viewing of the security camera videos in the entrance hall of the apartment situated in avenue des Casernes as well as the log in information of Ibrahim EL BAKRAOUI's MOBIB card indicates that they have probably met the night from 21<sup>st</sup> to 22<sup>nd</sup> January 2016 <sup>1330</sup> and on that occasion, the annotation found at the of fax receipt could be written <sup>1331</sup>.

Ali EL HADDAD ASUFI obviously participated in the search for those two firearms.

Questioned about this discovery, he limits himself to a declaration that he cannot explain how the document arrived there....

**7. USB key, containing goodbye messages of the group, found at Ali EL HADDAD ASUFI**

As it has already been indicated, the USB keys used by the group served to transfer the information from one computer to another, and to transfer the messages in Syria. Certain keys were discovered, but many were not found <sup>1332</sup>.

The investigators seized, during second police search made in the Ali EL HADDAD ASUFI's room, a USB key of TDK trademark (model LoR TF10) <sup>1333</sup>.

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<sup>1327</sup> MOD7, C9, Expert's report STEVENS

<sup>1328</sup> It seems that the films were recorded on USB key few days before. We also find trace in the computer in rue du Dries street.

<sup>1329</sup> PV 002662/18 (MOD15, C22, SF1, 14C)

<sup>1330</sup> PV 003178/18 (MOD15, C22, SF1, 16C) corrected by PV 13563/20 (MOD15, C31, SF3, 39)

<sup>1331</sup> PV 14314/19 (MOD15, C31, SF3, 1)

<sup>1332</sup> PV 032429/17 MOD15, C21, SF1, 20

<sup>1333</sup> PV 25376/16 (MOD15, C8, SF1, 14A). We found several others in his home, above all with the music (cf. PV 36230/16, MOD15, C8, SF1, 30I, PV 26126/16, MOD15, C8, SF1, 35C, PV 26127/16, MOD15, C8, SF1, 35D)



Sworn translation of French language in English language

This USB key has not been found during the first police search. It contains audio recording of different messages left by Ibrahim BAKRAOUI for different people.

Ali EL HADDAD ASUFI labelled it with the RCCU label <sup>1334</sup> previously glued on the other seized key and then reused it <sup>1335</sup>, giving the impression that it has already been analysed by the service of police.

Without careful handling of this evidence, the investigators might have thought that they had already analysed it after the first police search made on 24<sup>th</sup> of March 2016.

This USB key is particularly interesting. It has been connected to the computer found in rue Dries street for the first time on 17<sup>th</sup> of January 2016 at 18:36 hours and for the last time on 6<sup>th</sup> of February 2016 at 18:00 hours.

It has also been connected to the computer in rue Max Roos street between 8<sup>th</sup> of December 2015 at 21:14 hours and, as already indicated, the last time on 21<sup>st</sup> of March 2016 at 22:57 hours <sup>1336</sup>.

But it has not been connected to any support found at Ali EL HADDAD ASUFI <sup>1337</sup>.

This USB key contains 6 active files <sup>1338</sup> which were created on 21<sup>st</sup> of March 2016 between 16:36 and 17:12, and which were copied to USB key the same day between 14:15 hours and 17:11 hours. The RCCU also manages to bring up the fact that these files were accessed again for the last time on 26<sup>th</sup> of Mai 2016.

6 active files are audio recordings of different messages left by Ibrahim EL BAKRAOUI. They bear following titles :

- 2.wma
- Avocat Mohamed.wma
- Fermiere.wma <sup>1339</sup>
- Pour ma mere.mwa
- Yass.wma
- Abou souleyman pour les freres.wma

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<sup>1334</sup> Regional Computer Crime unit, the investigators specialised in IT

<sup>1335</sup> After denying, he finally admits : "Because I had a lot of keys which were given back to me by the police, with labels, I peeled off one to glue it on the top. To answer your question, so that it would get unnoticed". (PV Recap of questioning by Investigating judge on 21<sup>st</sup> of October 2016, MOD9, C6, SF2, 14)

<sup>1336</sup> PV 25985/16 (MOD15, C8, SF1, 33) correcting the PV 25376/16 (MOD15, C8, SF1, 14A) and 42297/16 (MOD15, C13, SF2, 1)

<sup>1337</sup> PV 025745/16 (MOD15, C8, SF1, 20D) and 26068/16 (MOD15, C8, SF1, 35)

<sup>1338</sup> Alongside the active files, the investigators recovered deleted files (PV 25745/16): 461 photos taken from arms sales sites and the magazine Dar Al Islam (published by the Islamic State). There are also falsified pay slips (of DOS SANTOS and MALONZO), reports on the Islamic State and audio files which are rough drafts of others found on the key. There is another audio file of threats against those who fight the caliphate (the voice is that of Ibrahim EL BAKRAOUI). There are also installation guides (published by the "khilafa security") for programs such as ORBOT or ORWEB (to browse anonymously on Android phones).

<sup>1339</sup> It said in PV 25376/16 (MOD15, C8, SF1, 14A), but "farmer" in PV 025745/16 (MOD15, C8, SF1, 30D)



Sworn translation of French language in English language

Five first files are identical to those which can be found in the computer in rue Max Roos street <sup>1340</sup>, with a slight difference in a title of file called "bastard " (translator's note "fumier" in French) was replaced by the word "farmer " (translator's note "fermière" in French). <sup>1341</sup>

Only the file "*Abou Souleyman for the brothers*" was not find on USB key.

Ibrahim EL BAKRAOUI does not provide any names of people to whom he is addressing the message. He explains " *We will not mention the names, like that we do not know to whom this audio will go to, but the brother inch Allah who will normally make you to hear it... he knows to whom he will make it to hear*" <sup>1342</sup>.

On the other hand, different files were erased from this USB key, but they could be recovered by the CCU specialists, of which namely :

- 461 photos of firearms which seem were taken from sales catalogue. Those pictures are similar to those found in HP lap top computer found in rue du Dries street.
- Digital magazine Dar Al Islam published by the Islamic State terrorist group of which subject is Paris terrorist attacks.
- Two falsified pay slips and especially one written on the name of Miguel DOS SANTOS (false identity used by Ibrahim EL BAKRAOUI) <sup>1343</sup>,
- Several documents about Paris terrorist attacks as well as propaganda videos in French
- Installation guide to computer data encryption software "True Crypt" in PDF format,
- Two audio files recorded by Ibrahim EL BAKRAOUI are finally recovered : one has a similar content to the one recorded under the name "Abou Souleyman for the brothers", but his author seems to be disturbed during the recording. Second one which lasts 2 min2 and is analysed as a threat to those who fight "kilifa".
- Finally, we discover a PDF file of which content are installation guides and installation of programmes ORBOT or ORWEB which guarantee to browse anonymously on Android phones. Publisher of this guide is signed as being "Khilafa Security" <sup>1344</sup>

The investigators has also seized, in the car of Ali EL HADDAD ASUFI, another USB key of which content is worrying <sup>1345</sup>. This USB key EMTEC contains anasheeds : we find on the key the files as for example "Koran-anasheed", "Beautiful anasheed, to die a martyr" and "Dawla Al Islam Qamat" of which name holds icon of a Islamic flag.

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<sup>1340</sup> PV 13504/16 (MOD15, C1, SF1, 16)

<sup>1341</sup> PV 025745/16 (MOD15, C8, SF1, 30D)

<sup>1342</sup> PV 025745/16 (MOD15, C8, SF1, 30D)

<sup>1343</sup> The second one is written on the name of certain Michel MERCIER

<sup>1344</sup> Official body of Islamic State terrorist group

<sup>1345</sup> PV 007350/17 (MOD15, C16, SF1, 18)





Sworn translation of French language in English language

**E – Ali EL HADDAD ASUFI'S STATEMENTS**

Ali EL HADDAD ASUFI makes his statements incomplete and inconsistent during the evolution of the investigation. It is only at the latest questioning, and when he is confronted to the developments of the investigation, when Ali EL HADDAD ASUFI corrects his first declarations, explaining his silence and memory lapses due to his fear.

He is also questioned about the facts which he is accused of in Paris terrorist attacks. Those statements are mentioned only in the measure of contextualisation of this file.

**1. Concerning radicalisation of EL BAKRAOUI brothers and the contacts he maintains with them**

Ali EL HADDAD ASUFI knows Ibrahim EL BAKRAOUI well, he is a childhood friend. : he comes to his home after getting out of prison, he knows about his criminal past and to go to see him several times in prison. They see each other every 3 days <sup>1346</sup>.

During his first declaration, Ali EL HADDAD ASUFI describes his friend EL BAKRAOUI as follows :

*"His opinion as far Islamic State is concerned was rather favourable. He was for Islamic State. At the beginning, EL BAKRAOUI Ibrahim was rather petty criminal. Easy money, stealing, ... Afterwards, he was in contact with his cousin who returned from Iraq. (...) When Ibrahim got out of the prison, he saw – hang out with Oussama and he started to change his attitude in relation to Islam. His attitude was firmer and harder, radical in relation with prayers, to women, ... he became radical" <sup>1347</sup>.*

*"He was (in favour for Islamic State terrorist group). He said he would like to go there. He said they were reasonable there. This was the way to live. He tried to go there (...) He said he could not have lived in another country than Islamic State. Things like that. From the moment he wants to leave, it means he is in favour" <sup>1348</sup>.*

During his accusation he specifies to Investigating judge :

*"When Ibrahim gets out of the prison in 2014 with electronic bracelet, it is at that moment. It is when slowly he starts to see his cousin more often and slowly, we feel the change, he is stricter about his religion, he cannot any more shake hand, cannot get out with a woman despite the fact that before it was the party and more, he prays on time, he is really religion, religion. Slowly all this increases (...) I continued to see him*

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<sup>1346</sup> PV 25883/17, joined with PV 32124/17 (MOD9, C6, SF2, 19)

<sup>1347</sup> PV 13451/16 (MOD9, C6, SF2, 1)

<sup>1348</sup> PV 24901/16, MOD9, C6, SF2, 2



Sworn translation of French language in English language

*Seeing him getting radicalised but without imagining that he does something like that, an act like that. It progresses.. (...) we can see he radicalises but he is careful, we can see that he is not really honest, he has always his small secrets when he talks to his cousin Oussama. He is not honest with his surrounding, including me. We know his past in theft and we thought that he was still in theft, which he was hiding, but not that he goes in this direction" 1349.*

Questioned about Ibrahim EL BAKRAOUI'S trip to Turkey for which Ali EL HADDAD ASUFI has accompanied him to Schiphol in June 2015, he explains that when he learns that his friend was arrested in Turkey, he thought that he supposed to spend holiday there :

*"I told to myself that he surely wanted to go to Syria and they did not let him" 1350.*

He also reveals to Investigating judge that when he was driving him to the airport :

*"I had some small suspicions, but nothing specific. I told to myself if he is going to leave, he is at least going to say goodbye to us, and not in one week" 1351.*

During the recap hearing on 28<sup>th</sup> of September 2016, he reconsider his statement and denies having made the link between Turkey and Ibrahim's desire to go to Syria :

*"No, not at all. He leaves to hide himself for some time, we told to ourselves that he will come back, he wanted to get married."*

*"When he got back and we asked him whether he wants to leave, he told us no, he does not want to leave. We believed him."*

*"He wanted to hide and when he wanted still to hide, not to stay in Brussels" 1352.*

Talking about his fast trip to Greece leaving from Paris during which he accompanied EL BAKRAOUI in July 2015, Ali EL HADDAD ASUFI explains that Ibrahim EL BAKRAOUI wanted to hide himself and he left with false papers. He declares that leaving in a pair it was "more discreet" 1353.

Afterwards, Ali EL HADDAD ASUFI indicates, always as his first statement, that coming back from holiday at the beginning of September 2015, he meets Ibrahim EL BAKRAOUI by chance in Midi Railway station :

*"during our meeting, he told me that he had tried to cross into Syria, but that he had not succeeded., he knew that there were conditions in Belgium (Editor's note conditional release) and he risked going back to prison. To go to Syria, he looked for a woman. He wanted to go to live under the laws of Islamic*

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1349 PV Questioning by Investigating judge, June 2016, MOD9, C6, SF2, 4

1350 PV Questioning by Investigating judge, MOD9, C6, SF2, 4

1351 PV Questioning by Investigating judge, MOD9, C6, SF2, 4

1352 PV Questioning by Investigating judge, MOD9, C6, SF2, 4

1353 PV Questioning by Investigating judge, MOD9, C6, SF2, 4



Sworn translation of French language in English language

*State because he did not have any more future in Belgium and there was a risk to return do jail" 1354.*

Questioned by Investigating Judge in June 2016, he specifies that he met his friend in the café Andalusia near the Midi Railway Station :

*" he tells me that he's come back on a bus, that he's not going to go home, that he's missed the appointment with the justice assistant, that his conditional release is going to be cancelled" 1355.*

Later on, he corrects his declarations concerning temptation of the trip to Syria, explaining that he declared following :

*"because we were two days after the terrorist attacks, I told to myself that this was what them [the Investigators] wanted to her, I panicked" 1356.*

He also says that he does not remember the words pronounced by Ibrahim EL BAKRAOUI at that moment 1357.

To explain why he did not mention, in his hearing on 25<sup>th</sup> of March 2016, that he knows about hideout in Avenue des Casernes, Ali EL HADDAD ASUFI declares he did not want to incriminate Smail FARISI 1358. But he does not speak more spontaneously about the apartment in rue Max Roos either.

Concerning Khalid EL BAKRAOUI, for him he is not a friend, he is an acquaintance. Khalid EL BAKRAOUI was close to Oussama ATAR, Ali EL HADDAD ASUFI met him few times when Oussama came to see Khalid in his place.

He pretends to see Khalid EL BAKRAOUI in Avenue des Casernes only in January 2016 and he was not told that he wanted to hide himself :

*"they are thieves, when they are on the run, it's normal. It's not surprising that a guy like that would go on the run. Khalid also spent time in jail for robbery.  
At the time, I was prepared not to denounce thieves (...) then there are reprisals" 1359.*

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1354 PV 013451/16 (MOD9, C6, SF2, 1)

1355 PV Questioning by Investigating judge, MOD9, C6, SF2, 19

1356 PV 25883/17, joined with PV 32124/17, MOD9, C6, SF2, 19

1357 PV 25883/17, joined with PV 32124/17, MOD9, C6, SF2, 19

1358 He does not want him stay in his place : " I have not done it in October because he was a fugitive, I will not bring him to my place. I do not live alone. He is a friend, but not on the level to provide him accommodation" explains to the Investigating judge in June 2016.

1359 PV 25883/17, joined with PV 32124/17, MOD9, C6, SF2, 19



Sworn translation of French language in English language

Ali EL HADDAD ASUFI explains to Investigating judge that Ibrahim EL BAKRAOUI was not unhappy with Paris terrorist attacks, " he says that it is normal, it is what they wanted, things like that" <sup>1360</sup>.

But even at this moment he would not have any suspicions about implication of his friend in these facts. After, to answer the question from Investigating judge, he specifies :"

*" after the arrest of Mohamed BAKKALI, we had suspicions, when it appeared in the press (...) One more time, it is vague, we do not know why they arrested him. They arrested him and not Khalid but for us, it is Khalid who was the most radicalised" <sup>1361</sup>.*

He pretends he has not gone to see Ibrahim EL BAKRAOUI in the apartment in Avenue des Casernes after the month of January

*"Because he talks to me often about leaving for Syria, because he talks about that day and night. At certain moment you have enough, that's all. We told to ourselves, for each of us their own journey, if he wants to go he will go (...)  
I do not see him because this guy is on his way, it is done, we do not have anything else to say, for each of us their own journey. he looks down on him with his religion" <sup>1362</sup>.*

At this moment, he obscures the previous contacts which he continues to have with him, and namely about his visit in rue Max Roos street which he tries to situate in February 2016. On the top, he speaks about this visit only once confronted with his DNA found in rue Max Roos street.

In recap hearing, he specifies that "it does not really concern a cut of contact", it is just longer spacing in between the contacts <sup>1363</sup>.

Afterwards, he tones down his words, by finally saying that EL BAKRAOUI brothers do not display radical ideas, but the religious ideas and he took into consideration their "extremist" character "only after 22<sup>nd</sup> of March 2016 <sup>1364</sup>.

Everything he has done for his friend it was for purpose of pure friendship, without any will participate in these activities of terrorist group : "I wanted to help. For me he was a petty criminal, I have never imagined that he is going to do this" <sup>1365</sup>.

But he had previously admitted that when he saw EL BAKRAOUI brothers' pictures published in the press the day after the police raid in rue du Dries street in Forest,

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<sup>1360</sup> PV questioning by Investigating judge, MOD9, C6, SF2, 4

<sup>1361</sup> PV questioning by Investigating judge, MOD9, C6, SF2, 4

<sup>1362</sup> PV questioning by Investigating judge on 9<sup>th</sup> of June 2016, (MOD9, C6, SF2, 4)

<sup>1363</sup> PV questioning by Investigating judge on 28<sup>th</sup> of September 2016, MOD9, C6, SF2, 4

<sup>1364</sup> PV questioning by Investigating judge PANOU on 28<sup>th</sup> of July 2017, joined with PV 32124/17 (MOD9, C6, SF2, 4)

<sup>1365</sup> PV questioning by Investigating judge, MOD9, C6, SF2, 4



Sworn translation of French language in English language

He asks himself questions : "There, we were in a little bit of panic. The people were saying, if they got really implicated, it is really serious" <sup>1366</sup>.

However, Ali EL HADDAD is not chocked : " There were pictures of Ibrahim and Khalid in the newspapers. I think it was 16<sup>th</sup> of March. But we should not trust too much to the press. Ibrahim, we knew, it is not somebody who respects the law. So, there is nothing shocking for me that he is in the newspapers. They say things which do not really correspond, but he is in the newspapers, yes" <sup>1367</sup>.

**2. Concerning personnel convictions**

when he is asked about his religious practice, Ali EL HADDAD ASUFI declares to be "moderate Muslim" <sup>1368</sup>, doing his 5 prayers per day.

*"It has been a year, nine months, it is from Ramadan to Ramadan. I respect Ramadan. Because the prayers are obligatory during Ramadan, we often remind ourselves, then we forget. But now, I do them" <sup>1369</sup>.*

Nevertheless, certain pictures, consulted with his telephone, have very radical connotations : they represent scenes of physical torture inflicted namely to the children, the pictures taken from Dabiq revue, where we can see mainly Abou Sulayman Al-Baljiki and Abou Walid Al-Baljiki (he recognizes as Khalid and Ibrahim EL BAKRAOUI), the pictures of Iraqi soldiers, etc.

Ali EL HADDAD ASUFI says not to understand what these pictures are doing in his device. He explains that those pictures are consulted on Facebook, the "posts", but they are not coming from "friends" of Facebook <sup>1370</sup>.

He says the same about the picture a woman in niqab pointing finger in the air :

*"It is frequent for Muslims to lift the finger in the air. It is a sign to confirm that there is a God and that Mohamed is his prophet. (...) It is not a sign of allegiance. We make this sign in the Mosque too" <sup>1371</sup>.*

He pretends he does not belong to the Islamic State ideas, but he has interested himself "a little" in the ideas of this group : When we hear that other people leave, we want to understand" <sup>1372</sup>. In the end, he says, "they have finally done more harm than good

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<sup>1366</sup> PV questioning made by Investigating judge PANOU, MOD9, C6, SF2, 4

<sup>1367</sup> PV recap questioning on 5<sup>th</sup> of October 2016, MOD9, C6, SF2, 11

<sup>1368</sup> The Order of Indictment from Investigating judge HERBAUT in France, page 237 (MOD19,C2,21)

<sup>1369</sup> PV questioning from Investigating judge on 9<sup>th</sup> of June (MOD9, C6, SF2, 4)

<sup>1370</sup> We find a lot of pictures in the hidden memory of his cell phone, suggesting that his user downloaded them without publishing them himself.

<sup>1371</sup> PV48097/16 (MOD9, C6, SF2, 15)

<sup>1372</sup> PV 48097/16 (MOD9, C6, SF2, 15)



Sworn translation of French language in English language

to Muslims. In the end nothing will be achieved. Now the people have changed the way they look at us" <sup>1373</sup>.

But "for nothing in the world" he would leave Belgium, especially for "going to the country where there is a war" <sup>1374</sup>

To answer question concerning presence of the USB key containing religious songs about "death in martyr" or "Dawla Al Islam Qamat" of which name holds the Islamic State flag, Ali EL HADDAD ASUFI disputes to be an owner :

*"I do not know. It is maybe USB key which somebody gave me. It happens often that we exchange the keys with friends. Sometimes I lend my car and somebody enters his USB key and then leaves it there. It is not me who recorded this. I do not listen to this type of things. I listen sometimes to a classic recited Koran, but not anasheed" <sup>1375</sup>.*

3. Concerning his telephone

To answer questions about his telephone, Ali EL HADDAD ASUFI denies, at the first time, to know to whom belongs number "32488364862".

We observe that few months ago, this number contacted a number used by Khalid EL BAKRAOUI and announces himself as "Ali" and asks the person he was calling to call him back. <sup>1376</sup>.

In the end he recognizes to be the owner of this number being "secondary" and to have contacts with Khalid EL BAKRAOUI. But he declares, concerning Khalid EL BAKRAOUI, that he does not belong to his relatives.

*"I confirm that I did not phone with my usual number. I did not want him to know my number (usual). He is a parasite, I was scared that he asks me to drive him off here and there <sup>1377</sup>.*

This explanation is contradicted by the telephone analysis which establishes that calls from Khalid EL BAKRAOUI end up on both telephone numbers.

Finally, he states that he has also used phone shops to contact Khalid EL BAKRAOUI <sup>1378</sup>.

Confronted to many differences between the data extracted from his cell phone, seized on 9<sup>th</sup> of June 2016, and the data from the telephone operator for his number 32484977109" and

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<sup>1372</sup> PV 48097/16 (MOD9, C6, SF2, 15)

<sup>1373</sup> PV 48097/16 (MOD9, C6, SF2, 15)

<sup>1375</sup> PV 018022/17 (MOD 15, C16, SF1, 18)

<sup>1376</sup> PV 006248/17, MOD9, C6, SF2, 17

<sup>1377</sup> PV 006248/17, MOD9, C6, SF2, 17

<sup>1378</sup> PV 006248/17, MOD9, C6, SF2, 17





Sworn translation of French language in English language

namely the fact that he erased history of all the communications from 20<sup>th</sup> of March 2016, Ali EL HADDAD ASUFI declares

*"It happens regularly that I erase myself all the data from my cell phone. I am used to remove the numbers or SMS to make a place. I remove almost all SMS. I am doing that all year long"* <sup>1379</sup>.

He also confirms to erase all the information from his telephone after recovering it after its seizure on 24<sup>th</sup> of March 2016 <sup>1380</sup>.

**4. Concerning his visits in Avenue des Casernes**

He confesses his presence in Avenue des Casernes, Ali EL HADDAD ASUFI denies serving as an intermediary for renting the apartment of Smail FARISI to EL BAKRAOUI : These people have known each other since school and Smail wanted to render him the service.

He pretends not to remember the places where he was picking him up or driving his friend Ibrahim EL BAKRAOUI to visit this apartment, neither to help him to move <sup>1381</sup>. He pretends that it is Khalid EL BAKRAOUI who gave him the belongings of Ibrahim EL BAKRAOUI <sup>1382</sup>.

And when the investigators reveal to him that during this day his telephone is located on the antenna which covers the conspirative apartment in rue Henri Bergé street, he denies having a knowledge of this hideout's existence.

**5. Concerning his passing in the apartment in rue Max Roos street**

During his first hearings, Ali EL HADDAD ASUFI does not talk about rue Max Roos street. During reconstitution which takes place on 17<sup>th</sup> of June 2017 Avenue des Casernes, he confirms never going to rue Max Roos street <sup>1383</sup>.

*He repeats his denials on 4<sup>th</sup> of July 2016 : "On the news they talked about this address. I can tell you that I was never going there. I have never heard about this apartment before, I heard about it on the news"* <sup>1384</sup>.

It is only after being confronted to the presence of his DNA on the cup found on 22<sup>nd</sup> of March 2016 in a bin in rue Max Roos, that Ali EL HADDAD ASUFI recognizes his passing in the apartment : he declares that one date, which he cannot remember but which thinks, could be in January or February 2016, then at the end of February, he meets "by accident" Ibrahim in the café in Midi Railway Station.

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<sup>1379</sup> PV 11939/19, MOD9, C6, SF2, 21

<sup>1380</sup> At the moment he is deprived of liberty for the first time

<sup>1381</sup> PV 26201/17, p 3/12 (joined with PV 32124/17, MOD9, C6, SF2, 19)

<sup>1382</sup> PV 32124/17, MOD9, C6, SF2, 19

<sup>1383</sup> PV from reconstitution – Avenue des Casernes file (MOD11, C2, SF11, 3)

<sup>1384</sup> (PV 28836/16 (MOD9, C6, SF2, 6)

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Sworn translation „ne varietur“ from French language in English language

Diana Michelova

VTI 2535639

Mornimont

17th of June 2022



Sworn translation of French language in English language

he speaks about his new apartment rented in Schaerbeek rue Max Roos street. Ali EL HADDAD ASUFI drives him there and enters to drink something <sup>1385</sup>.

*"it is still empty, we can see that he has just moved in. When I went there, there was nothing" <sup>1386</sup>.*

Ibrahim EL BAKRAOUI confesses to him that the apartment is rented with false papers :

*"It is under the name I would say Portuguese because he told me that the owner, as he is Portuguese, according to his name, he thinks he comes from the same village. I do not know if it is him who showed them to me (the documents about rent) or if I saw them on the News" <sup>1387</sup>.*

When Investigating judge ask him if he did not laugh when he saw the head of EL BAKRAOUI on the identity card, he answers :

*"Yes, because he does not look like him on the photo, nothing to do. To answer your question, on the photo, yes, I would say he is dressed up, he has a hat, glasses (...). In the street he wore glasses, a hat. It was winter at the time" <sup>1388</sup>.*

Ali EL HADDAD ASUFI does not notice anything special in this apartment, does not smell anything particular, does not see any other people and repeats that he was only going once. He confirms that it has probably been at that moment when he used the cup for drinking "an orange juice, coca" <sup>1389</sup>.

Nevertheless, he cannot explain his time schedule during the night of 21<sup>st</sup> to 22<sup>nd</sup> of March 2016 when investigators tell him that he goes around that night and his cell phone activates in the places very close to rue Max Roos street.

He does not understand that a cup containing his DNA was only thrown to the bin in the morning of 22<sup>nd</sup> of March 2016, despite the fact he has only been there once, around month of February 2016.

Finally, Ali EL HADDAD ASUFI confirms that he has never met Mohamed BELKAID, Sofien AYARI or Salah ABDESLAM <sup>1390</sup>.

**6. Concerning the USB key recorded by the group and found in his place**

Ali EL HADDAD ASUFI pretends that "somebody" slipped the envelope containing this USB key "in his letter box" <sup>1391</sup>. He cannot identify that person.

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<sup>1385</sup> PV 28836/16 (MOD9, C6, SF2, 6)

<sup>1386</sup> PV questioning by Investigating judge on 28<sup>th</sup> of September 2016, MOD9, C6, SF2, 9

<sup>1387</sup> PV questioning by Investigating judge on 5<sup>th</sup> of October 2016, MOD9, C6, SF2, 11

<sup>1388</sup> PV recap questioning on 5<sup>th</sup> of October 2016, MOD9, C6, SF2, 11

<sup>1389</sup> PV 28836/16 (MOD9, C6, SF2, 6)

<sup>1390</sup> PV 11939/19, MOD9, C6, SF2, 21

<sup>1391</sup> PV questioning by Investigating judge on 21<sup>st</sup> of October 2016 (MOD9, C6, SF2, 14)

Sworn translation of French language in English language

*I received it between 15<sup>th</sup> and 20<sup>th</sup> of April. I saw an envelope with a note "for Bims mum". I have done nothing, I just have to give it to his mother. I kept it for some time. I looked what is on it.*

*To answer your question : I inform you that I looked on the content of the key around one month after, mid may. I was in a cyber in Place de Brouckère. I saw a file for his mother, which I did not open, but I opened other files. It was his voice. He speaks about his cousin, his friend who got arrested (...). To answer your question, I inform you that I did not give it to the police because I knew that you got him already, it was in the newspaper" <sup>1392</sup>.*

Nevertheless, no envelope bearing a note "for Bims mum" has been ceased in his place, and no file on the USB key bears this name.

Ali EL HADDAD ASUFI has only had a look sometimes around month of May :

*"It was nothing urgent for me. I could listen to it when I wanted. There was a simple note for Bims mum, so I told to myself that there is nothing urgent. At first, I hesitate, I do not know how I am going to hand it over or if I throw it. I know, that even if I throw it, I will have a look before at its content <sup>1393</sup>".*

He does not look at its content in his home but he goes to cyber-café :

*"It comes from Ibrahim so surely it represents a problem": <sup>1394</sup>.*

He said he was afraid and didn't dare to put it in the letterbox of "Bims mum" of whom he nevertheless knew the address.

He explains that he put a label from an analysis of the RCCU on this key in the following terms :

*"I had to give a USB key to my girlfriend, I unglued it and then I glued it on another USB key. I have not realised that it will be so dramatic" <sup>1395</sup>*

But in a subsequent hearing it admits :

*"Yes, I put the label on it, like that it looks like the others (...), like that it passes unnoticed among the others taking into consideration its content. This modification, I have done it on purpose. To answer your question : no, I was not afraid that you come back. But bearing in mind that you have already come once for nothing, everything was possible. I have not asked him for this key, it is not even a gift <sup>1396</sup>".*

He declares not to erase himself the files <sup>1397</sup> not to modify them <sup>1398</sup>.

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<sup>1392</sup> PV questioning by Investigating judge PANOU, joined with PV 32124/17 ((MOD9, C6, SF2, 19) and PV 28836/16 (MOD9, C6, SF2, 6)

<sup>1393</sup> PV48097/16 (MOD9, C6, SF2, 15)

*1394* PV questioning by Investigating judge PANOU, joined with PV 32124/17 ((MOD9, C6, SF2, 19)  
*1395* PV 28836/16 (MOD9, C6, SF2, 6)  
*1396* PV 017040/18 (MOD9, C6, SF2, 20)  
*1397* PV 28836/16 (MOD9, C6, SF2, 6)  
*1398* PV 017040/18 (MOD9, C6, SF2, 20)

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Sworn translation „ne varietur“ from French language in English language  
Diana Michelova      VTI 2535639      Mornimont      17th of June 2022





Sworn translation of French language in English language

At first he pretends not to talk about this USB key "to nobody. Not even to Youssef (EL AJMI)" <sup>1399</sup>. But when EL AJMI admits knowing about it, Ali EL HADDAD ASUFI he is forced to reveal : I have not spoken to anybody, except for EL AJMI. But I have only talked to him, he did not listen" For the rest it stays in my room. (to answer your question : yes, I glued a label on it, like that it looks like the others" <sup>1400</sup>.

Ali EL HADDAD ASUFI he defends himself against the idea of having received this USB key from Ibrahim EL BAKRAOUT's hands during his visit to the flat in Max Roos street <sup>1401</sup>.

He cannot explain a passage found on this key on which Ibrahim EL BAKRAOUI finishes his message "abou souleyman for the brothers" specifying : brother "who will be in possession of this message will know to whom he will let it to listen" <sup>1402</sup>.

**7. Concerning an alias of Smail FARISI**

Ali EL HADDAD ASUFI explains that "fumier" (translator's note "Bastard") was an old nickname given to Smail FARISI since they have been together in Cartigny Institute <sup>1403</sup> "

"it is a nickname of FARISI Ismael, I do not know exactly the reason for this nickname, but I know that in his neighbourhood in Anderlecht they called him like that. I am sure that Ibrahim had to know also this nickname" <sup>1404</sup>.

Everybody in neighbourhood called him like that. Ibrahim EL BAKRAOUI probably too.

ALI EL HADDAD ASUFI does not know who could possibly change the name of "Fumier" into "fermière" (translator's note "Farmer") on the USB key. Nevertheless, he understands, that his message is intended to Smail FARISI.

**8. Concerning the search for weapons**

When asked questions about the references "Remington 1911 cal45 and Zastava 7,65" found at the back of a Medical Certificate sent by fax on 19<sup>th</sup> of January 2016, Ali EL HADDAD ASUFI he denies having written them and is said to be unaware of these references.

On the contrary he cannot explain how those references appeared at the back of this document : "May be a passenger in the car. It does not say anything to me" <sup>1405</sup>.

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<sup>1399</sup> PV 28836/16 (MOD9, C6, SF2, 6)

<sup>1400</sup> PV 017040/18 (MOD9, C6, SF2, 20)

<sup>1401</sup> PV 28836/16 (MOD9, C6, SF2, 6)

<sup>1402</sup> PV 025745/16 (MOD15, C8, SF1, 30D)

<sup>1403</sup> PV 18953/16 (MOD15, C5, SF1, 6B) and PV 29993/19 (MOD15, C31, SF3, 16)

<sup>1404</sup> PV 017040/18 (MOD9, C6, SF2, 20)

<sup>1405</sup> PV 017040/18 (MOD9, C6, SF2, 20)

Sworn translation of French language in English language

He denies he participated in search for weapons for Ibrahim EL BAKRAOUI.

**9. Concerning audio recording seized from the computer in rue Max Roos**

Investigating judge asks about audio recordings in which the kamikazes explain that they will attack a metro station and an airport. They explain why airport by saying "one brother gave us information that in the morning, there are American, Russian and Israelian flights". To answer your question who could be the brother who communicated this information, Ali EL HADDAD ASUFI answers : "Do you think it is me? I do not know who could provide that information"<sup>1406</sup>. But "to (his) knowledge", he does not know who works at the airport and is close to EL BAKRAOUI brothers.

**10. Concerning ATAR Oussama**

Concerning Oussama ATAR, Ali EL HADDAD ASUFI declares he met him when he came back from Iraq and saw him in Ibrahim's place. Oussama came also to see Khalid EL BAKRAOUI who lived above.

He did not talk to him and did not talk to him about EL BAKRAOUI brothers' topic.

Nevertheless, he declares that several times he had an impression that it was him who has been the basis for EL BAKRAOUI brothers' radicalisation.

**F – PSYCHIATRIC EXPERTISE**<sup>1407</sup>

In their report of 5 December 2016, the psychiatric experts stated that at the time of the events charged, the accused was not in a state of dementia or in a serious state of mental imbalance or mental debility rendering him incapable of controlling his actions.

In view of the elements extracted during this evaluation, the experts conclude that there are some elements of radicalisation in Ali EL HADDAD ASUFI, but nothing more: Asocial remarks are identified and, in general, a questioning of authority and the community, rigid thought patterns, and an assertive search of identity, but his stereotypical discourse is little impregnated with religiosity. Ali EL HADDAD ASUFI evokes, in an indirect way, allusions to a conspiracy of the great Western powers vis-à-vis the rest of the world. There is a very important bond of solidarity with his brothers, which he will put forward as one of the most important elements he has experienced in his life.



1406 PV questioning by Investigating judge, 9<sup>th</sup> of June 2016 (MOD9, C6, SF2, 4)  
1407 MOD7, C7, SF8, 5

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Sworn translation „ne varietur“ from French language in English language  
Diana Michelova VTI 2535639 Mornimont 17th of June 2022

*Diana Michelova*



**Diana  
Michelova  
(Signature)**

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Diana Michelova  
(Signature)

Date: 2022.07.11  
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## **G - CHARACTER WITNESSES**

### **Hafida Bent Merzouk AHAYOUN**<sup>1408</sup>

Ali EL HADDAD ASUFI's mother describes her son as a wise and caring child. Even though he was raised without his father, he never caused her any problems. The family is united. A younger boy spoiled and pampered by his 3 elders, Ali was at school "*until he decided not to make any more effort*," she says. Ali's not the kind to bring his friends home, and she doesn't know them. At home he's happy. He practices his religion like everyone else, in a moderate manner and attending the Kouba mosque near his home. He works, loves football, does not smoke and does not drink. He was still living with her when he was arrested.

### **Lamia EL HADDAD ASUFI**<sup>1409</sup>

She describes her brother as a calm, jovial, extroverted and level-headed person, who never caused any problem. He likes to dress and travel. Ali was 6 years old when his father died (aneurysm rupture). On the religious level, Lamya explains that Ali worships like the rest of his family and that the Muslim religion is a religion of peace. Ali went from time to time to the neighborhood mosque, the Kouba mosque.

### **Foad EL HADDAD ASUFI**<sup>1410</sup>

His older brother also describes Ali's happy and uneventful childhood. He knows that Ali has a girlfriend and knows his friends Nabil KSADLI and Youssef EL AJMI by sight. Courageous and jovial, he was not particularly talking about politics nor about the conflict in Syria. He is a practicing, moderate and open Muslim. From time to time, he attended the mosque in the neighborhood that is the Kouba mosque and did Ramadan. He loved to travel with his friends. He smoked from time to time.

### **Soulayman EL HADDAD ASUFI**<sup>1411</sup>

He also describes his little brother as the family's darling and joins the same descriptions as those made by his brothers and sister: happy childhood, without worries, passionate about football, joyful and calm, sometimes frequenting the Kouba mosque, "place Pavillon", the Queensbury gym, ... He has many friends, but Soulayman does not know them, except for Nabil KSADLI and Youssef EL AJMI. Aline does not take any alcohol nor drugs.

### **Nabil KSADLI**<sup>1412</sup>

A taxi driver, KSADLI presents himself as Ali's best childhood friend. He has known him since 1997 and attended the "athénée Fernand Blum" and the "Institut Cartigny" with him. "*It is the ideal friend ... you can always count on him*". He is calm, kind and appreciated by everyone. Ali likes football, music and beautiful cars.

<sup>1408</sup> Police report 20817/19 (MOD9, C8, SF8A, 1) **Remark of the sworn translator:** C (Couverture) = Cover

<sup>1409</sup> Police report 21468/19 (MOD9, C8, SF8A, 2) SF (Sous-farde) = lower cover.

<sup>1410</sup> Police report 21534/19 (MOD9, C8, SF8A, 2A)

<sup>1411</sup> Police report 21657/19 (MOD9, C8, SF8A, 3)

<sup>1412</sup> Police report 23550/19 (MOD9, C8, SF8A, 7)

He formed a close-knit group with him, Youssef EL AJMI and Othman AKHECHAA. They played football, practised Thai boxing together and went on holiday together. Ali did not talk about religion or politics. He and Nabil KSADLI used to attend the Kouba mosque together during Ramadan. KSADLI is shocked at the arrest of his friend whom he does not know in this light. KSADLI thinks that Ali was not so close to Ibrahim EL BAKRAOUI.

**Farah BEN KATANE**<sup>1413</sup>

BEN KATANE Farah is the accused's former partner. She met him when she was 19 years old and claims to have remained in a relationship with him for three years. She is convinced of Ali's innocence as he was only helping a friend of his. She never heard him make strong religious or political statements in her presence. He only posted many pictures about Palestine and said his prayers to go to heaven. She knew his friends, such as EL AJMI and EL BAKRAOUI, whom he went to see once a month in the prison of Ittre. She also met another of his friends: Nabil KSADLI. Finally, she states that she attended the same school "Serge Creuz" as Salah ABDESLAM but did not see him.

**Steve SAUDEMONT**<sup>1414</sup>

This witness is the head of the logistics department of LSG Skynet company. In this capacity, he is the accused's boss, but in an indirect way. He describes him as nonchalant with little regard for the rules, often late and often absent. He knows that he plays football well but does not know what he does in his spare time. He describes him as jovial and open, neither a leader nor a follower. He knows him as EL AJMI Youssef's friend. Ali did not seem to have any problems with his colleagues, but had a difficult personality with the management, with remarks about his absences and lateness having little effect on him.

**Gerald DARQUENNE**<sup>1415</sup>

He is responsible for all drivers present at the Zaventem site and is, as such, the direct boss of Ali EL HADDAD ASUFI. He described the accused as follows: "*He was doing everything to work with EL AJMI. Normally 90% of the missions are single missions and only 10% have to be done in pairs but they did everything possible to work together. EL HADDAD seemed to be the leader in their duo and EL AJMI the follower. EL HADDAD ASUFI Ali accepted badly hierarchy and even seemed to be haughty. He often said 'you disrespect me'.*"

The witness also confirms the difficulties encountered with the accused regarding his absences, and that discussions in this regard could turn stormy and confrontational with the management. On the other hand, he was well integrated in his team with whom he was playing mini football and was talking about football. He was inseparable from EL AJMI. He did not show any signs of religious practice

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<sup>1413</sup> Police report 000914/17, MOD 9, C2, SF1, 9

<sup>1414</sup> Police report 22879/19 (MOD9, C8, SF8A,4)

<sup>1415</sup> Police report 23391/19 (MOD9, C8, SF8A, 6)

He concludes his testimony by saying: *I would like to inform you that it seems to me that EL HADDAD ASUFI Ali had asked me for leave on 22 March 2016<sup>1416</sup>. I would also point out that EL HADDAD ASUFI Ali and ELAJMI Youssef always came to see me two to ask for leave together.*"

Ali EL HADDAD ASUFI requested in a second step the hearing of new character witnesses.

**Mustafa AKKOL<sup>1417</sup>**

He explains that he was part of the group of colleagues with whom Ali EL HADDAD ASUFI got along well. He spent two years with him irregularly, he says: they talked about football and work together. He is surprised to be heard for this investigation.

He describes Ali EL HADDAD ASUFI as a good colleague, hard-working, kind and joking, following the rules, forming a pair with Youssef EL AJMI. Everyone at work was shocked when they were arrested.

Mustafa AKKOL, like Ali EL HADDAD ASUFI, is an on-track delivery driver and performs catering at aircraft level.

Mustafa AKKOL says he knows nothing about the privacy of the accused. He heard nothing in particular about his relationship with management. He wasn't a snitch.

Ali EL HADDAD ASUFI got along well at work with Christophe PATTE. Ali EL HADDAD ASUFI is a Muslim believer, but did not speak about religion.

**Ali AKKOL<sup>1418</sup>**

He says that he does not know Ali EL HADDAD ASUFI very well and that he only met him during work. He knows nothing about his personal life.

Professionally, they are a pool of 60 drivers with the same job, but they saw little of each other because they did not have the same schedules. Ali EL HADDAD ASUFI liked to laugh. He was always with Youssef EL AJMI who had the same schedules as him, and did not particularly get himself noticed. According to Ali AKKOL, it was Youssef who was speaking and Ali EL HADDAD ASUFI who was more reserved.

**Yves DE GREEF<sup>1419</sup>**

Colleague of Ali EL HADDAD, he remembers two people who were always working together. He called them "Tic and Tac." He thought they were a couple. DE GREEF got along well with them and joked with them the time to smoke a cigarette. Ali EL HADDAD ASUFI did not look extremist, was open-minded. He seemed to ignore the hallal prescriptions when they picked up open foodstuffs from the airplanes.

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<sup>1416</sup> However, this request could not be objectivised by reading his personal file with LSG SKY company (Police report 29611/21).

<sup>1417</sup> Police report 8590/20 (MOD9, C8, SF8A, 10)

<sup>1418</sup> Police report 008662/20 (MOD9, C8, SF8A, 12)

<sup>1419</sup> Police report 8349/20 (MOD9, C8, SF8A, 11)

**Olivier FOUCART**<sup>1420</sup>

He also doesn't know Ali EL HADDAD ASUFI outside of work. They met during cigarette breaks. Ali EL HADDAD ASUFI being friendly, Foucart planned to invite him for a BBQ at home. For the rest, he confirmed the testimony of DE GREEF.

Ali EL HADDAD ASUFI did not have the attitude of a radicalized man: *"In relation to other Moroccans, he gave the change, but during Ramadan, it was not unusual for him to eat" ...*

**Farah LAMRI**<sup>1421</sup>

Farah LAMRI works at Zaventem Airport as a team leader "cleaning". She met Ali EL HADDAD ASUFI at their workplace in 2015 and began a romantic relationship with him. They were considering marriage before his arrest.

She describes him as helpful, calm, caring, comforting and joyful. She knows little about his childhood. He looks very close to his family, a little more to Sulayman. She considers him a moderate Muslim.

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<sup>1420</sup> Police report 8836/20 (MOD9, C8, SF8A, 13)

<sup>1421</sup> Police report 23053/19 (MOD9, C8, SF8A, 5)



## **CHAPTER VII: Bilal EL MAKHOUKHI**

**also known as 'Abou Imran', also known as 'Abou Imrane', also known as 'Imran', also known as 'Imrane'**

### **A.- PROCEDURE**

Bilal EL MAKHOUKHI was charged by the investigating judge with participation in the activities of a terrorist group, murders in a terrorist context and attempted murders in a terrorist context.

He is the subject of an arrest warrant issued on 9 April 2016 :

After briefly recounting the explosions and the discovery of the conspiracy apartment on "rue Max Roos", the investigating judge justified the arrest warrant in the following terms:

*"ABRINI Mohamed admitted having occupied, with EL BAKRAOUI Ibrahim and LAACHRAOUI Najim, the apartment located in rue Max Roos 4 in 1030 Schaerbeek. He specified that he had been informed of the plans to attack both the airport and the Metro, and that he had even attended the preparation of the various explosive charges. As for KRA YEM Osama, he admitted being the person who was accompanying Khalid EL BAKRAOUI towards the metro station Pétillon. He stated that he was indeed carrying an explosive charge and that he should have activated the charge in the same metro train as the one taken by EL BAKRAOUI Khalid.*

*Both ABRINI Mohamed and KRAYEM Osama claim to have been accommodated in the house of the named Hervé BAYINGANA MUHIRWA, called Amin. These accommodations would have taken place both before and after the acts of 22/03/2016. According to KRAYEM Osama, it was at the intervention of another person that these various accommodations would have taken place at this address. This other person may have been identified as the accused EL MAKHOUKHI Bilal. Indeed, the latter is close to Hervé BAYINGANA MUHIRWA.*

*The day before the various accused were arrested, they would have spent much of the evening together. The day after this contact, Hervé BAYINGANA MUHIRWA was driving KRAYEM Osama to an unknown destination. They were both arrested at around 11.30 a.m. in that vehicle. This link must also be assessed in the light of a document found at the address Max Roos 4 in Schaerbeek containing the names 'Amin' and 'Imran', each followed by a call number (which has never been activated). However, Hervé BAYINGANA MUHIRWA is called "Amin," while EL MAKHOUKHI Bilal was called Abou Imran in Syria.*

*Finally, in the computer found in a waste bin, and discussed further, the investigators found a note mentioning the fact that the group still had other weapons and money that could be used for "other brothers who want to work" afterwards (presumably after the attacks referred to in these recordings). The weapons were reportedly given to a certain Imran, who is said to have an address in order to contact the recipient of the message (who may be in Syria). Imran or Abou Imran may therefore, in view of the above, have been identified in the person of EL MAKHOUKHI Bilal, who has already been convicted of similar offenses with regard to participation in the activities of a terrorist group".*



His referral to the Assize Court was ordered on charges of murders, attempted murders and participation in the activities of a terrorist group for the acts committed between 1 December 2015 and 10 April 2016,

His referral to the Assize Court concerns both the facts committed in Zaventem and in Maelbeek: as regards 22 March 2016, the terrorists' objective was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek. So that the different targets should be analyzed as a single scene of attacks.

Bilal EL MAKHOUKHI is therefore, like each of the accused, co-perpetrator of all the attacks committed on that date, without distinction as to the target assigned to each of them.

## **B. – BIOGRAPHY**

Born on March 10, 1989 in Brussels, Bilal EL MALHOUKHI comes from a large family. He holds dual Belgian and Moroccan nationality. He is the third of a family of four boys. His father works in the building industry, his mother is a housewife. According to Bilal EL MAKHOUKHI, the family is united. He describes himself as close to his mother and acknowledges that he had a normal childhood, getting on well with both his brothers and his extended family.

In his early childhood, he lived in the district of "Place Anneessens" before his parents moved to the "Marolles" district. His school curriculum seems to have been rather chaotic due to behavioural problems which motivated several changes of secondary schools (Athénée Royal Victor Horta, Institut Diderot, Athénée Royal Marcel Tricot). He did not complete his 7th year of qualification.

After his studies, Bilal EL MAKHOUKHI worked with his father in the building industry as a labourer, but he felt that he was "*doing the dirty work*" and did not continue. He then followed several training courses. He worked there and there as a temp or in black. Bilal EL MAKHOUKHI has never had a permanent job.

As a young man he played football, boxed and did other combat sports. He describes himself as a loner, a steady and thoughtful, stubborn and frank person.

Bilal EL MAKHOUKHI is a childhood friend of Hervé BAYINGANA MUHIRWA.

When he was in his twenties, Bilal EL MAKHOUKHI became close to religion and radical circles.

In the course of the year 2012, Bilal EL MAKHOUKHI starts to frequent the group "Let's help the poor". This is the time when several young people start to go to Syria, especially under the growing influence of 'Sharia4Belgium'.

On July 24, 2012, Bilal EL MAKHOUKHI participated in a protest outside the Myanmar Embassy with several of his friends, among which Najim LAACHRAOUI and Sofyan FASSI<sup>1422</sup>.

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<sup>1422</sup> Police report 51879/16 (MOD15, C15, SF1, 1)

He spends his time seeing his friends <sup>1423</sup> in the cafes near his home or in the "Stalingrad" district.

In October 2012 <sup>1424</sup>, Bilal EL MAKHOUKHI left for Syria without informing his family. He joined the *Maglis Shura al-Mujahidin* group, which at the time included many Belgians. There he met Abdel Hamid ABAAOUD. On the spot, he wore the *kunya* of "Abou Imrane". In Syria, Bilal EL MAKHOUKHI learned Arabic and participated in combat, in particular with Najim LAACHRAOUI <sup>1425</sup>.

On the phone with his mother, he expressed his desire to stay in Syria until such time as sharia law is applied throughout the world <sup>1426</sup>.

However, wounded by a sniper <sup>1427</sup>, he returned to Belgium on 7 December 2013 <sup>1428</sup> and had to be amputated under the right knee.

On 8 December 2013, he was imprisoned in the prison of Bruges after being able to see again his friend Khalid EL BAKRAOUI, who had just been released <sup>1429</sup>.

On 25 February 2014, Bilal EL MAKHOUKHI was conditionally released <sup>1430</sup>. He then resumed contact with Hervé BAYINGANA MUHIRWA and, while awaiting the placement of a prosthetic leg, remained hopeful of returning to Syria.

When he received his prosthesis on 9 January 2015, the care required by his condition prevented him from leaving, although he was in advanced contact to join Syria with other candidates at the start.

On 11 February 2015, Bilal EL MAKHOUKHI was convicted by the Criminal Court of Antwerp for participating in the activities of a terrorist group.

He was given an electronic bracelet (home detention) on 11 May 2015 <sup>1431</sup>. The system he benefits from allows him to go out on weekdays from 8 to 12 and at weekends from 8 a.m. to 6 pm. In addition, he sometimes gets 36-hour leave (from Saturday 8 am. to Sunday 8 pm.) <sup>1432</sup>.

The service which monitors compliance with these rules notes that Bilal EL MAKHOUKHI leaves his home daily and goes in the morning <sup>1433</sup> to one of the two 'Basic Fit' gyms which he regularly frequents (in Laeken and in Schaerbeek) <sup>1434</sup>.

<sup>1423</sup> In particular the persons named Majid AFKIR, Abdelmagid ADAIAF, Hervé BAYINGANA MUHIRWA, Sofyan FASSI,

Ali BOUKHLISS, Ayob BOUDRAOUACH and Hamza DOUHRI

<sup>1424</sup> Police report 15792/16 (MOD9, C6, SF1, 1)

<sup>1425</sup> Note of the State Security Service of 21 October 2019, see Police report 36325/19, MOD 15, C31, SF3, 23b)

<sup>1426</sup> Police report 51659/16, MOD15, C14, SF1, 138

<sup>1427</sup> Police report 15792/16 MOD 9, C6, SF1, 1

<sup>1428</sup> Police report 51569/16 (MOD15, C14, SF1, 13B)

<sup>1429</sup> Police report 19440/16 MOD 9, C6, SF1, 4

<sup>1430</sup> Police report 29171/18, MOD 15, C26, SF1, 12a

<sup>1431</sup> Police report 20498/15 attached by Police report 22640/19, MOD15, C30, SF2, 4)

<sup>1432</sup> Police report 5497/18 (MOD15, C22, SF2, 12)

<sup>1433</sup> As of 15 March 2016, he changes his habits and goes later.

<sup>1434</sup> Police report 1375/18 (MOD15, C22, SF1, 9)

The investigation also reveals that when he is not in the gym, Bilal EL MAKHOUKHI regularly spends several hours away from home <sup>1435</sup>. His friend Hamza DOUHRI states that Bilal EL MAKHOUKHI visited him up to 4 times a week at the grocery store he runs. And Sofyan FASSI says he ate with Bilal EL MAKHOUKHI every Friday at lunchtime.

Following the failure to respect his release times<sup>1436</sup>, the prison administration only removed his electronic bracelet on 15 March 2016 at 12.08 am <sup>1437</sup>, whereas this removal had initially been planned on 14 March 2016 <sup>1438</sup>.

His current detention is riddled / interspersed with disciplinary reports. Bilal EL MAKHOUKHI seems to alternate "*respectful (with others) more assertive, aggressive or even arrogant attitudes*" <sup>1439</sup>.

### C. HIS INVOLVEMENT IN THE BRUSSELS ATTACKS

At the outset, it should be noted that Bilal EL MAKHOUKHI knew several members of the cell long before it fomented the Brussels attacks: Khalid EL BAKRAOUI, Najim LAACHRAOUI and Hervé BAYINGANA MUHIRWA are his close friends. All three of them know that he fought in Syria under the *kunya* of Abou Imrane.

Bilal EL MAKHOUKHI's involvement in the Brussels attacks can especially be summarised as follows:

#### 1. Identification of the person nicknamed « Imrane »

Even if Bilal EL MAKHOUKHI claims to be "*neither closely nor remotely linked to the attacks*" <sup>1440</sup> committed in Brussels on 22 March 2016, multiple elements tend to prove that he was the one who kept this *kunya* of Imrane after his return from Syria, as part of the preparation of the Brussels attacks.

His past as a fighter, under this *kunya* of Abou Imrane, corresponds to the elements mentioned in the audio recordings. The statements of Mohamed ABRINI and Osama KRAYEM are explicit on this point.

<sup>1435</sup> In particular 12 times in December 2015, 13 times in January 2016 and 14 times in February 2016. These are all opportunities for him to visit his friends.

<sup>1436</sup> Police report 30354/16, MOD15, C10, SF2, 13.

<sup>1437</sup> at 12.08 p.m. Cfr. Police report 10691/17 (MOD15, C16, SF1, 48A) and Police report 5497/18 (MOD15, C22, SF2, 12).

<sup>1438</sup> Police report 6733/18 (MOD15, C22, SF2, 30) and Police report 7888/18 (MOD15, C22, SF2, 43)

<sup>1439</sup> Police report 010656/21, MOD21, CI, 12

<sup>1440</sup> Police report 15792/16, MOD 9, C6, SF1, 1

a) The statements of the other accused.

Hervé BAYINGANA MUHIRWA asserts throughout the investigation that he did not know who Imrane **are** and who Amine is.

During his first hearing, and unaware that the police had observed the arrival at his home on 7 April 2016 of "*a man who limps*" <sup>1441</sup>, he is careful not to mention the time spent that day with his friend Bilal EL MAKHOUKHI

*"I didn't want to link him nor anyone else to that "* as he explains afterwards <sup>1442</sup>.

When he was asked who Abou Imrane is, Osama KRAYEM replies that he is a friend of Hervé's (whom he calls Amine) whom he met only once after the attacks when he was in "rue du Tivoli" <sup>1443</sup>

Osama KRAYEM also indicates that on this occasion, Bilal EL MAKHOUKHI would also have met Mohamed ABRINI, but the latter always claimed not to know Bilal EL MAKHOUKHI and not to know who Imrane was.

This assertion is contradicted by the note of the State Security Service of 7 October 2019 which reports a conversation caught in prison on 10 May 2016 during which Mohamed ABRINI tells NEMMOUCHE that LAACHRAOUI left the weapons to " " Abou Imrane " and *you know who it is ? (...), it's the one who was arrested with one leg less (...), MAKOUKKI "* <sup>1444</sup>.

Mohamed ABRINI thus confirms that MAKHOUKHI is indeed the one who came into possession of the weapons of the cell.

The other accused do not speak about Bilal EL MAKHOUKHI or avoid talking about him.

(b) the audios found in the computer in "Avenue Max Roos".

The recordings found in the computer left in the waste bin in "rue Max Roos" discuss about the role of the nicknamed *IMRANE* :

1°. The audio titled "carved001884"

According to this audio, recorded by Najim LAACHRAOUI between 13 and 15 March 2016, *Imrane* is part of the group:

*"Yeah there's also, talking about Abou Imran, uh... uh... the brother, god be praised, you know, he helped us well... and he said that as long as he was with us, he's going to help us."*

<sup>1441</sup> Police report 18685/16, MOD10, CS, SF2, 8 corrected by Police report 40469/19 (MOD15, C31, SF3, 29A)

<sup>1442</sup> Police report 23728/16, MOD 9, C4, SF2, 4

<sup>1443</sup> Police report interrogation JI, MOD9, CS, SF1, 2

**Remark of the translator :** "are" seems to be mistakenly indicated in the original text in French. It should be replaced by "is".



*"And .... I also knew a brother, you see? I have also sent Abou Imrane and I am waiting for the answer ... With the will of Allah it will be a favourable answer. If the second brother says 'yeah', then we will have two brothers, do you see? Moreover in logistics ... "*

He also specifies that *Imrane* has in particular

*"brought back one more brother into logistics", and "wishes to find a way to the Sham".*

The existing links between Bilal EL MAKHOUKHI and his friend Hervé BAYINGANA MUHIRWA, a newcomer to the cell, also seem here to be in line with the elements in the file.

## 2°. The 'to do' note and the 'audio message'

In the "To Do" note, a sort of reminder in preparation for an "audio", LAACHRAOUI draws up a list of things to do and ideas to pass on to Abou Ahmed. Among these:

*"We're going to leave the weapons to Imrane and give him an address where he can contact you like that in case there are other brothers who want to work then you can arrange with him to bring them out"*<sup>1445</sup>

The 'audio message' recorded on 21 March 2016 for Abou Ahmed contains a detailed account of the elements relating to these weapons:

*"We left, you see, Imrane, we left him the way to contact you. He's a trusted brother, you see/know. He's really good, God be praised. He's been there.. He's been to the Sham. He worked there with us etc( ... )"*<sup>1446</sup>

In this audio, LAACHRAOUI reveals to Abou Ahmed the fact that Abou Imrane *"and brother Amine"* have pledged allegiance, that they have helped the group and that *"they hope for a route to Sham (or) Libya, inshallah"*. *You see, the brothers they want to make their (hijra) emigration"*<sup>1447</sup>

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<sup>1445</sup> Police report 13504/16, MOD 15, C1, SF1, 16

<sup>1446</sup> The message continues this way: *"And we left him 'truecrypt', we left him the last address we have and you see the weapons, there, since we are not going to use them, we are going to leave them in a hideout. And with the will of Allah, if ever there are other brothers after us...( ) there will always be kalas to work ( ... ) All that, we will put inshallah in a safe place. And the brother....if you know any brothers...well he can contact you and you can contact him etc to tell him...how to get them back". It was at this point that Abou Souleymane intervened to add: "We left him instructions on how he would get them back. And the money that is left over, we will also leave it to him, give him the instructions on what he should do with it."*

<sup>1447</sup> However, the file reveals that Bilal EL MAKHOUKHI had long wished to return to Syria (while on Hervé BAYINGANA MUHIRWA's computer, research on Libya is carried out)

The file effectively establishes that Bilal EL MAKHOUKHI had long wanted to return to Syria <sup>1448</sup>. Furthermore, research on Libya appears in Hervé BAYINGANA MUHIRWA's computer.

According to the recorded conversation between Mohamed ABRINI and Mehdi NEMMOUCHE in the prison in Bruges and then, the second conversation between Bilal EL MAKHOUKHI and Mohamed ABRINI, the person who may have access to these weapons and to this money is indeed Bilal EL MAKHOUKHI.

### 3°. One of the farewell messages signed "Abou Walid"

This message from Khalid EL BAKRAOUI, left on March 20, 2016 at 9.38 a.m., addresses to a "brother" and concludes by saying :

*PS :tell Abou Almran that if he still needs foreign ID cards, he must go through brother Abou Ahmed. Souleymane will tell you how to contact him"*

However, Bilal EL MAKHOUKHI is a long-time friend of Khalid EL BAKRAOUI.

## **2. The presence of Bilal EL MAKHOUKHI in the hideouts**

### a) "Avenue des Casernes"

On 16 March 2016, at 13:13 <sup>1449</sup>, Bilal EL MAKHOUKHI is seen on the images of cameras installed at the entrance of the building of "Avenue des Casernes". He accompanied Khalid EL BAKRAOUI. They discuss together before taking the elevator and then left a few minutes later at 1.17 p.m. <sup>1450</sup>, They would not have returned to the studio because Khalid EL BAKRAOUI "*realized he didn't have the keys*"

Bilal EL MAKHOUKHI claims that it was "*by chance*" <sup>1451</sup> when he met Khalid EL BAKRAOUI in Laeken that morning. They would have had breakfast together <sup>1452</sup> before going to "Avenue des Casernes".

This is the only time that Bilal EL MAKHOUKHI has been seen in this building. At that point, he no longer has an electronic bracelet to prevent him from moving around and has not yet activated his usual telephone.

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<sup>1448</sup> Where he has already fought

<sup>1449</sup> Police report 18828/16, MOD15, C5, SF1, 6A

<sup>1450</sup> Police report 6379/19, MOD15, C28, SF1, 1

<sup>1451</sup> Hearing Investigating Judge 27 December 2016, MOD 9, C6, SF1, 12

<sup>1452</sup> Police report 009230/19, MOD 15, C1, SF1, 15



b) Rue Max Roos

Bilal EL MAKHOUKHI explains that after going to "Avenue des Casernes" on 16 March 2016, he travels "*by tram*" with Khalid EL BAKRAOUI to "Rue Max Roos". Ibrahim EL BAKRAOUI welcomed them there. He stays "*about 20 minutes on the premises*" <sup>1453</sup>.

Bilal EL MAKHOUKHI's DNA is found in this conspiracy flat on a handkerchief, a cup and on a date core <sup>1454</sup>. His DNA is also present on the battery of a SAMSUNG mobile phone <sup>1455</sup>, but with a result deemed too weak (1 in 1933) <sup>1456</sup>.

EL MAKHOUKHI admits that he ate dates and drank the milk that Ibrahim EL BAKRAOUI offered him <sup>1457</sup>, but rejects the idea of having touched the battery of the mobile phone <sup>1458</sup>.

The investigation shows that he visited the Max Roos flat on several dates, including 15 March and 21 March 2016 (see below).

c) Rue du Tivoli

In his hearing of 20 December 2016, Osama KRAYEM declares that he saw Bilal EL MAKHOUKHI at the home of Hervé BAYINGANA MUHIRWA: he saw him "*only once, at Hervé's home, after the attacks. (...) He came to talk with Hervé. I don't know if he was his friend or not. I don't remember if ABRINI was there or not. Hervé spoke French with EL MAKHOUKHI*" <sup>1459</sup>.

The observation made by the investigators <sup>1460</sup> on 7 April 2016, reveals that Bilal EL MAKHOUKHI went to the home of Hervé BAYINGANA MUHIRWA, at a time when the latter was at the very least in close contact with Osama KRAYEM.

Bilal EL MAKHOUKHI denies having visited Hervé BAYINGANA MUHIRWA when Osama KRAYEM was there <sup>1461</sup>.

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<sup>1453</sup> Police report 009230/19, MOD 9, C6, SF1, 15

<sup>1454</sup> A first analysis made by the NICC (National Institute for Criminalistics and Criminology) had erroneously found his DNA on a Zeeman bag (with Ibrahim EL BAKRAOUI's), on a cross-headed screwdriver (with Mohamed ABRINI's and Najim LAACHRAOUI's), on a black fabric travel bag (MTC) with wheels (with Ibrahim EL BAKRAOUI's and Najim LAACHRAOUI's). These elements are then corrected: NICC letter of 23 December 2016, MOD 16, C2, SF1, 67.

<sup>1455</sup> On which Najim LAACHRAOUI's DNA is very strongly present (Police report 23322/18, MOD15, C25, SF2, 22C and report 17/1070 by DEFORCE and ABATI, MOD7, C4, SF11, 4)

<sup>1456</sup> According to the report, "the results obtained weakly support the hypothesis that [EL MAKHOUKHI] contributed to the trace in question".

<sup>1457</sup> Police report summary interview of 27 December 2016, MOD 9, C8, SF1, 12

<sup>1458</sup> Police report 19440/16, MOD9, C6, SF1, 4

<sup>1459</sup> Police report 51490/16, MOD 9, CS, SF1, 11

<sup>1460</sup> Police report 37910/17, MOD 9, C6, SF1, 8

<sup>1461</sup> Police report 45744/17, (MOD9, C6, SF1, 13)

### **3. The search of 8 April 2016**

In the aftermath of the arrest of Hervé BAYINGANA MUHIRWA and Osama KRAYEM, a search was carried out at the home of Bilal EL MAKHOUKHI, where he was arrested <sup>1462</sup>,

Since his release from prison, he has been occupying the basement of the family home. It is at this location that a SAMSUNG tablet, a mobile phone of the SAMSUNG GT brand with its Base card and other elements to exploit in the field of telephony were seized.

In the rest of the building, other objects are still seized, and especially his Belgian passport, his Moroccan passport, various documents, various telephones, various SIM cards and four SIM card holders.

### **4. Bilal EL MAKHOUKHI's telephony**

Bilal EL MAKHOUKHI used several telephone numbers and boxes during the offense period <sup>1463</sup>.

(a) SIM card 32483620724" <sup>1464</sup>

#### 1 ° Usual use of this number

This is Bilal EL MAKHOUKHI's usual number. The SIM card is found in the SAMSUNG GT-S3600i phone discovered in his room <sup>1465</sup>. This phone is only used for telephone communications and not for communications via the Internet <sup>1466</sup>.

The analysis of this usual number highlights that:

- Bilal EL MAKHOUKHI is in contact with family members and several of his friends <sup>1467</sup>,
- Bilal EL MAKHOUKHI is also contacted on this number by calls from phone-shops (using foreign or technical numbers). On 5 March 2016, he was contacted by a so-called Spanish number. This same Spanish number contacts Khalid EL BAKRAOUI

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<sup>1462</sup> Police report 015808/16, MOD 11, CI, SF3, 7

<sup>1463</sup> Many SIM cards are attributed to EL MAKHOUKHI but only those that are contributory are analysed here.

<sup>1464</sup> Police report 20808/16 (MOD10, C2, SF16, 3) and Police report 17386/16, joined by Police report 14306/19, MOD15, C29, SF1, 9 and Police report 7760/19 (MOD15, C30, SF1, 1)

<sup>1465</sup> Police report 007760/19 (MOD 15, C30, SF1, 1): this phone (which was previously used by his mother, in particular when her son was in Syria) is used by Bilal EL MAKHOUKHI from 14 January 2016 to receive calls and SMS. He will only call with this phone from 6 April 2016 (to contact Hervé BAYINGANA MUHIRWA).

<sup>1466</sup> Police report 007760/19 (MOD 15, C30, SF1, 1) (corrected by Police report 5680/20, MOD15, C31, SF3, 32), PV17673/16 (MOD15, C4, SF2, 25), Police report 015808/16 (MOD 11, CI, SF3, 7), Police report 15803/16 (MOD15, C2, SF2, 30), Police report 19837/19 (MOD15, C30, SF1, 6A), Police report 17386/16 (joined by Police report 14306/19, MOD15, C29, SF1, 9)

<sup>1467</sup> Such as Hamza DOUHRI, Ali BOUHLISS, Abdelmajid ADAIAF, Otman MOUELI or Sofyan FASSI). All these people are known to have frequented the groups "aidons les pauvres" ("Let's help the poor") or "aidons les démunis" "Let's help the needy", associations close to Brussels radical Islamist circles

on 10 March 2016 (on his number “32488098427”) and will have two attempts of contact Hervé BAYINGANA MUHIRWA on 16 March 2016<sup>1468</sup>. However, it is known that the EL BAKRAOUI brothers often contacted their friends via phone- shops<sup>1469</sup>.

- We note 94 contacts with Hervé BAYINGANA MUHIRWA's main number for the period from 4 December 2015 to 7 April 2016. However, strangely, between 23 and 31 March 2016 (i.e. directly after the attacks), no further contact is noted between Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA on their usual numbers (but see below...).

## 2° He turns his phone off at key moments.

Investigators find that at key moments such as 15, 16 or 21 March 2016, while he goes to the “Rue Max Roos”, Bilal EL MAKHOUKHI switched off his phone. When the telephone is switched off, it is impossible to locate it on the (cell phone) towers. Those who are used to police investigations and wish to ensure a certain discretion often use this technique.

Bilal EL MAKHOUKHI speaks about it himself.

Between September 2015 and April 2016, the telephone is switched off about ten times, including 4 times between 15 March 2016 and 8 April 2016. These last cuts, unlike the previous 6, are longer and all take place in the evening<sup>1470</sup>

### a) The evening of 15 March 2016

For example, on March 15, 2016, the day of the shooting in the “rue du Dries” and the evening of the displacement of Osama KRAYEM and Mohamed ABRINI towards the “rue du Tivoli”, Hervé BAYINGANA MUHIRWA phones Bilal EL MAKHOUKHI (for 16 seconds) at 10.17 pm.<sup>1471</sup>

Both ping the cell tower of the ‘rue Franz Joseph Navez’ in Schaerbeek, which serves the “rue Max Roos”. Bilal EL MAKHOUKHI then immediately switched off his phone (at 10. 17 pm) to switch it on again 36 minutes later (at 10.53 pm) on the tower covering his home<sup>1472</sup>,

In addition, the checks carried out on the telephone of Hervé BAYINGANA MUHIRWA<sup>1473</sup> confirm the statement of Osama KRAYEM when he states that Hervé BAYINGANA MUHIRWA, thanks to the intermediary of Bilal EL

<sup>1468</sup> Police report 18828/16, MOD15, CS, SF1, 6A

<sup>1469</sup> We also note in the same period (in March 2016 for 7 of the 9 calls), contacts or attempts to contact EL MAKHOUKHI's number from numbers in Laos, the United States, Singapore, ... ( Police report 33014/18, MOD 9, C6, SF1, 14)

<sup>1470</sup> Police report 7834/18, MOD 15, C23, SF1, SA

<sup>1471</sup> Police report 17161/17 MOD 15, C18, SF1, 7

<sup>1472</sup> Police report 24048/16, MOD 15, C 7, SF1, 40

<sup>1473</sup> At 10.53 p.m., Hervé BAYINGANA MUHIRWA does activate "the cell covering the rear of the Max Roos flat where Krayem Osama claims to have been taken in" (Police report 17127/17, MOD 15, C18, SF, 8)

MAKHOUKHI, came to pick them up in “rue Max Roos” to take them to “rue du Tivoli” where Hervé BAYINGANA MUHIRWA pings the cell tower at 11.23 p.m.<sup>1474</sup>.

When asked about this element of the investigation, Bilal EL MAKHOUKHI denied having gone to the flat in “rue Max Roos” on that day, adding that if he had seen Hervé BAYINGANA MUHIRWA, it was not to organise the transfer of Osama KRAYEM and Mohamed ABRINI.

To explain the cut of his phone he replies:

*"I don't know. I really can't tell you. I don't turn off my phone, it's because I must have run out of battery. If it reactivated near my house, it was because I put it on charge"*<sup>1475</sup>

b) On 16 March 2016

The analysis of the telephony allows to visualize the movement of Bilal EL MAKHOUKHI for the day of 16 March 2016 towards the flat in “Avenue des Casernes” and then towards the apartment in “Rue Max Roos” where his telephone pings the cell tower (in “Rue Jean-François Navez”) that covers this conspiracy flat<sup>1476</sup>.

In the early afternoon, on several occasions, he receives unsuccessful call attempts.

From 3.08 p.m. until the night, his telephone is inactive.

Bilal EL MAKHOUKHI admits that he went to “rue Max Roos” that afternoon, but would only have stayed there for 10 to 15 minutes.

c) On 21<sup>st</sup> March 2016

The phones of Hervé BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI were both on the tower that serves Bilal EL MAKHOUKHI's home at 4 13 p.m.<sup>1477</sup>. While still at his house, Bilal EL MAKHOUKHI cut off his phone at 5 56 p.m.

Between 6.31 pm and 8 10 pm, Bilal EL MAKHOUKHI's mobile phone remained switched off<sup>1478</sup>.

At 8.10 pm, Bilal EL MAKHOUKHI turned his phone back on. It was then on the tower of “rue Louis Bertrand”, close to the Max Roos apartment, but in an area that does not serve the conspiracy flat<sup>1479</sup>. He moved to the “Boulevard Lambermont”, at 8 15 p.m. and phoned Hervé BAYINGANA MUHIRWA.

They met up at about 9:00 p.m.<sup>1480</sup>.

<sup>1474</sup> Police report 17161/17 MOD 15, C18, SF1, 7

<sup>1475</sup> Police report 009230/19, MOD 9, C6, SF1, 15

<sup>1476</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1477</sup> Police report 47432/16 (MOD15, C13, SF1, 34), Police report 52651/16 (MOD15, C15, SF1, 7), Police report 52873/16 (MOD 15, C15, SF1, 13c), Police report 2615/17 (MOD 15, C15, SF2, 5) and Police report 17205/17 (MOD 15, C18, SF1, 9)

<sup>1478</sup> The calls he will receive from 6 31 p.m. to 6.48 p.m. are forwarded directly to his voice mail (no tower pinged).

Between 6.31 p.m. and 8:10 p.m., his friend FASSI, and then his mother, tried in vain to reach Bilal EL MAKHOUKHI (Police report 17205/17, MOD 15, C18, SF1, 9).

<sup>1479</sup> Cell 30021 covers part of “rue Max Roos” but this would not be the case for the flat that is situated at number 4 (Police report 17205/17, MOD 15, C18, SF1, 9)

<sup>1480</sup> Police report 17205/17, MOD 15, C18, SF1, 9

At 9.46 p.m., Bilal EL MAKHOUKHI pings a tower located in “Rue de la Reine” in Schaerbeek, until 10 20 p.m., the time at which he switched off his mobile phone. He will not open it again until the following morning, 22 March 2016 <sup>1481</sup>.

Bilal EL MAKHOUKHI states that that evening he went to a pizzeria in the “Place Meiser” with Hervé BAYINGANA MUHIRWA *"and two other people, whose name he does not wish to mention"* <sup>1482</sup>. Later he mentions his friend Sofian FASSI *and "perhaps a fourth without being sure"* <sup>1483</sup>.

The identity and number of guests at this pizzeria in “Place Meiser” remain unclear :

Hervé BAYINGANA MUHIRWA explains that he spent the evening in the pizzeria with Bilal EL MAKHOUKHI and Majid AFKIR or Abdelmajid ADAIAF <sup>1484</sup> AFKIR <sup>1485</sup> and ADAIAF <sup>1486</sup> state, for their part, that they were not present.

d) During the period from 23 to 31 March 2016

Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA no longer use their usual numbers to contact each other.

But they still use them to contact their relatives <sup>1487</sup>.

The numbers “32485945025” and “32485870080” seem to have replaced the numbers found in “rue Max Roos” on the paper, in relation to the names “Amin” and “Abou Imrane”.

e) On 3 April 2016

Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA both had their phones turned off from 6.55 p.m until 8.49 p.m. <sup>1488</sup> At 8.48 p.m., Hervé BAYINGANA MUHIRWA will take his friend back to his home before going to work.

According to Osama KRAYEM, it was that night that Hervé BAYINGANA MUHIRWA dropped him off in a phone shop in “avenue de Stalingrad” where Osama connects at 7.28 p.m. to send a message to his brother, *"By the way, I sent a message so that Amine would have no problem. It is Amine who brought me there."*

<sup>1481</sup> Police report 17205/17, MOD 15,C18, SF1, 9

<sup>1482</sup> Police report 002615/17 (MOD 15, C15, SF2, 5)

<sup>1483</sup> Police report 45744/17 (MOD9, C6, SF1, 13)

<sup>1484</sup> Police report 17205/17, MOD 15,C18, SF1, 9

<sup>1485</sup> Police report 16933/17, MOD9, C2, SF1, 42

<sup>1486</sup> Police report 022692/17, MOD9, C2, SF1, 33

<sup>1487</sup> Police report 001375/18, MOD 15, C22, SF1, 9

<sup>1488</sup> Hervé BAYINGANA MUHIRWA: from 6. 55 p.m. to 8.49 p.m. (Police report 9141/18, MOD15, C24, SF1, 11)



### 3° An unusual change of box

Bilal EL MAKHOUKHI's usual number ("32483620724") was always placed in the same SAMSUNG device, except on 10 January 2016 between 11:26 am and 7.12 p.m.

However, on Sunday 10 January 2016, Bilal EL MAKHOUKHI was granted prison leave until 8.00 p.m.<sup>1489</sup>. On that day, he inserted his SIM card into the NOKIA C2-01 RM-721 mobile phone, which is the usual phone of Zahra AAJOUR<sup>1490</sup>.

To explain this change of box, Bilal EL MAKHOUKHI limits himself to saying *"I don't know anymore. Maybe it had a problem, I don't know"*<sup>1491</sup>.

A SMS sent to Hervé BAYINGANA MUHIRWA<sup>1492</sup> is found in this mobile phone: *"Salam AYLEKOUM tries debar mohamed's number it's important I've got the other ones incha Allah"*<sup>1493</sup> - Bilal EL MAKHOUKHI acknowledges that *"it can only be him"* who sent it<sup>1494</sup>. The investigators note that this SMS is then strangely deleted from the mobile phone of Bilal EL MAKHOUKHI's mother<sup>1495</sup>.

Knowing that the rest of the group moved out of the flat of the "Avenue de l'Exposition" in Jette around 10 January, the investigators ask him who this "Mohamed" is and who "the others" are? Bilal EL MAKHOUKHI replies that he doesn't know any more but that *"this has nothing to do with Mohamed ABRINI because I don't know him"*<sup>1496</sup>.

#### b) The number '32483680368'<sup>1497</sup>

This number is written against the name 'Abou Imrane' on a paper found during the search carried out on 22 March 2016 at the address Max Roos 4 in Schaerbeek<sup>1498</sup>.

The same paper bears the number '32486338365' associated with the name 'Amin'.

These two numbers, which were tapped until 5 May 2016, never activated any phone box.

<sup>1489</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1490</sup> Police report 18828/16, MOD15, C5, SF1, 6A

<sup>1491</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1492</sup> On a number "32487565354" registered in his telephone under the mention "Abdel Karim" (and corresponding to Hervé BAYINGANA MUHIRWA)

<sup>1493</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1494</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1495</sup> Another SMS is found, sent at 2.38 p.m. by Bilal EL MAKHOUKHI (who is in Schaerbeek) to the usual number "32486372754" of Hervé BAYINGANA MUHIRWA (who is in Laeken): "Salam, can WE meet, I need you Inchallah", before calling FASSI on an unusual number (003248325643).

<sup>1496</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1497</sup> Police report 29742/17 (MOD15, C19, SF2, 27), Police report 31723/17 (MOD15, C20, SF1, 18), Police report 16616/17 (MOD15, C17, SF1,

19), Police report 15802/16 (MOD15, C2, SF2, 29), Police report 19909/16 (MOD10, C1, SF11, 22), Police report 19902/16 (MOD10, C1, SF11,

15), Police report 19903/16 (MOD10, C1 SF11 16), Police report 19904/16 (MOD10, C1, SF11, 17), Police report 18154/16 (MOD10, C1, SF11,2) Police report 18153/16 (MOD10, C1, SF11, 11), 15313/16 (MOD 10, C1, SF11, 8) Police report 16676/16 (MOD10, C1, SF1, 10).

<sup>1498</sup> Police report 15186/16 (MOD10, C1, SF11, 1)

Remark of the sworn translator : "debar" : word that does not exist in French and the meaning of the whole sentence is difficult to understand and therefore to be translated properly into English.



Bilal EL MAKHOUKHI, who uses Abou Imran's *kunya*, could therefore have been the one who should have had this number, which he disputes.

c) SIM card '32485945025'

This anonymous SIM card was sold on 10 March 2016 to an unknown person by 'Math SPRL' store at the "Chaussée de Mons" in Anderlecht<sup>1499</sup>.

This number was placed in only one device (a Nokia mobile phone RM944 - 108 dual SIM) whose packaging box was found at Hervé BAYINGANA MUHIRWA's home. But the device itself was never found.

The telephone number was only used between 23 March 2016 and 31 March 2016. During these 8 days of activity, there were 10 contacts between the two numbers<sup>1500</sup>.

The investigation carried out on this number reveals that its only correspondent is the "32485870080", which is also only active during the same period, from 23 to 31 March 2016<sup>1501</sup>.

Hervé BAYINGANA MUHIRWA acknowledges having purchased the mobile phone SAMSUNG GT-E1 keystone<sup>1502</sup> in which is inserted the SIM card "32485870080". But he says he only used it only once to contact the SODEXO company: "*Maybe the others used my mobile to contact each other.*"<sup>1503</sup> (Police report 42084/16)

*"This phone stayed at home, maybe Abrini or Krayem used it to contact Bilal, I only used it for Sodexo"*<sup>1504</sup>

The investigation does indeed identify the user of '32485945025' as being Bilal EL MAKHOUKHI. Indeed, On 24 March 2016:

- Bilal EL MAKHOUKHI uses his usual number to order a taxi at 6 p.m. 128 "avenue de Stalingrad"<sup>1505</sup>. He cancels the journey at 7.17 p.m..
- In the meantime, at 7:03 p.m., a call was made from the number "32485945025" to the number "32485870080".
- Number "32485870080" (of Hervé BAYINGANA MUIHIRWA) leaves Laeken to go to the city centre where, at 7. 49 pm, it joins the cell tower on which are to be found the number "32485945025" as well as usual number of Bilal EL MAKHOUKHI's usual number ('32483620724').

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<sup>1499</sup> Police report 36933/17 (MOD15, C20, SF2, 13A)

<sup>1500</sup> Police report 33420/16 (MOD15, C11, SF2, 28)

<sup>1501</sup> Police report 34815/16 (MOD15, C11, SF2, 49) and Police report 29171/18 (MOD15, C26, SF1, 12A)

<sup>1502</sup> Police report 36933/17, MOD15, C20, SF2, 13A

<sup>1503</sup> Police report 42084/16, MOD 9, C4, SF2, 5

<sup>1504</sup> Police report 29934/17, MOD9, C4, SF2, 7

<sup>1505</sup> Police report 18828/16, MOD15, CS, SF1, 6A

The three numbers are on the same cell <sup>1506</sup> of the same cell tower located at "Porte de Hal".

Even if Bilal EL MAKHOUKHI claims that he hailed another taxi on the street to go back home<sup>1507</sup>, the investigation tends to prove that it is therefore Hervé BAYINGANA MUHIRWA who comes to pick him up at this place<sup>1508</sup>

Furthermore, the number '32485945025' mainly pings the cell tower serving Bilal EL MAKHOUKHI's home, as does the number '32485870080' which, for its part, mainly connects to the cell tower of Hervé BAYINGANA MUHIRWA's home <sup>1509</sup>.

d) the SIM card "32489870470" <sup>1510</sup>

This number was found recorded in the telephone of Hervé BAYINGANA MUHIRWA, under the name "Bilal" <sup>1511</sup>.

Bilal EL MAKHOUKHI acknowledges that he was the holder of it <sup>1512</sup> -

The device in which this SIM card "32489870470" was inserted has not been found. Bilal EL MAKHOUKHI declares about it that it is a telephone that he only kept for one week and which he threw away as a precaution one week after a police check <sup>1513</sup>.

While Hervé BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI no longer have contact with each other with their usual numbers between 21 March and 1 April 2016, it is noted that on 25 March 2016 and 30 March 2016, the number "32489870470" tried to reach the usual number of Hervé BAYINGANA MUHIRWA several times including 2 SMSs "APEL" ("CALL") and "RAPEL" ("CALL BACK").

Bilal EL MAKHOUKHI does not remember and does not know why he used another telephone to contact Hervé BAYINGANA MUHIRWA during this period <sup>1514</sup>

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<sup>1506</sup> On the operation of 'cells': Police report 004580/18 (MOD15, C22, SF2, 3)

<sup>1507</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1508</sup> Police report 16616/17 (MOD15, C17, SF1, 19)

<sup>1509</sup> Police report 34815/16 (MOD15, C11, SF2, 49) and Police report 033525/16 (MOD15, C11, SF2, 30)

<sup>1510</sup> Police report 17780/18, MOD15, C25, SF2, 7

<sup>1511</sup> Police report 018263/17 (MOD15, C17, SF1, 33) and Police report 29171/18 (MOD15, C26, SF1, 12A)

<sup>1512</sup> Police report 33014/18, MOD 9, C6, SF1, 14

<sup>1513</sup> Police report 33014/18. Indeed, on 25 March 2016, a control by the Brussels police zone was carried out at Bilal EL MAKHOUKHI's home in order to see if the convicted person was at home, without knowing that the bracelet had been removed. Bilal EL MAKHOUKHI is not there, but arrives in the meantime. He produces the proof of the removal of his bracelet and the patrol withdraws.

<sup>1514</sup> Police report 33014/18, MOD 9, C6, SF1, 14

## 5. The minutes of the “BIM” Commission

The administrative wiretaps, set up by the State Security Service in the framework of its powers, also provide important elements that corroborate what the judicial investigation has highlighted.

- The conversations intercepted on 10 May 2016 between NEMMOUCHE and Mohamed ABRINI report that Bilal EL MAKHOUKHI knows where the group's weapons, money and explosives are, which were entrusted to him by Najim LAACHRAOUI. Mohamed ABRINI claims that these weapons, this money and these explosives are intended to commit a new attack<sup>1515</sup>.
- The conversations recorded on June 1 and 2, 2016 between Mohamed ABRINI and Bilal EL MAKHOUKHI reveal that Mohamed ABRINI is questioning Bilal EL MAKHOUKHI about these weapons, would like to know where they are and how to make sure that his brother can possibly take possession of them. EL MAKHOUKHI Bilal replies that he knows where the weapons are, and adds: *“the problem is that if the person to whom I handed them over does not know him, he will not give him anything. This is the instruction I gave him”*<sup>1516</sup>. To which ABRINI replies: *“Yes, but if I send my little brother, he'll show him his identity card. Your contact will then know that I am being detained with you in Bruges, and that my brother comes from us. Just with my name, he'll know it's not a trap. Because I know people who are ready to get me out of here. You see ...”*

To complement the denunciations of the “BIM” Commission, the State Security has sent subsequent notes<sup>1517</sup> which provide more details on the weapons that were given to Abou Imrane (cf. above)<sup>1518</sup>.

### D - STATEMENTS OF BILAL EL MAKHOUKHI

Bilal EL MAKHOUKHI has been questioned on several occasions. His statements evolve according to his consultations of the file and the elements he is confronted with.

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<sup>1515</sup> Minutes of the BIM Commission of 27 May 2016, MOD 14, C8, SF1, 27

<sup>1516</sup> Minutes of the BIM Commission of 29 July 2016, MOD 14, C8, SF1, 27

<sup>1517</sup> Police report 35261/19 (MOD15, C31, SF3, 23A) and Police report 36325/19, (MOD15, C31, SF3, 23B)

<sup>1518</sup> The note of 7 October 2019 repeats the listening in which ABRINI addresses to NEMMOUCHE: “Najim, he spoke with the brother who is over there in the “Juve”. He said: I'm going to leave a bag with 1 Kalach, 2 VZ58, 2 grenades and 2 or 3 kg of C4 and he quotes the *kunya* “Abou Imrane and you know (...) he's the one who was arrested with a leg less”. In the one of 21 October 2019, Mohamed ABRINI's question to Bilal EL MAKHOUKHI is evoked: “Bilal, do you remember how many weapons there were in the bag? Bilal EL MAKHOUKHI answers that he doesn't remember how many there were. Bilal EL MAKHOUKHI also explains to Mehdi NEMMOUCHE that he met LAACHRAOUI and ABAAOUD in Syria (Police report 36325/19, MOD 15, C31, SF3, 23B).

## **1. About the kunya of IMRANE or Abou Imrane and his role in the Brussels attacks**

While he admits having participated in the activities of a terrorist group in Syria and having used the kunya "Abou Imrane," he has always denied being the one that LAACHRAOUI refers to as the same kunya in the audio recordings found in the computer in "rue Max Roos".

According to him, the kunya "Abou Imrane" was only known in Syria, where he was never called Bilal, but "*here in Belgium, no one called me like that*"<sup>1519</sup>.

He also denies having participated in the preparation of the Brussels attacks.

In all his interviews, Bilal EL MAKHOUKHI denies being the person to whom the weapons and money were entrusted by the terrorist cell.

## **2. About the other accused and the suicide bombers**

Bilal EL MAKHOUKHI does not reveal any evidence implicating anyone in the cell<sup>1520</sup>. In his first hearings<sup>1521</sup>, he claims that he does not know Najim LAACHRAOUI.

The investigation shows, however, that he was administratively detained in 2012, during a protest in front of the Myanmar Embassy, in particular with Najim LAACHRAOUI and Sofyan FASSI.

Confronted with these elements<sup>1522</sup>, he finally admitted having fought with Najim LAACHRAOUI, during the summer of 2013.

*"We found ourselves on the same front (Homs province). We fought together because we were on the same front line.*

*We met for a month and a half on that front. I often stayed with him because there were a lot of Arabic speakers and he spoke Arabic better than me. (...) he was calm. He saw the war as I did. He never spoke to me about attacks in Europe. (...)"*<sup>1523</sup>,

The latter came to visit him in Idlib while he was injured.

*"LAACHRAOUI came to see me. He was passing by chance because the fighters visit the wounded. He stayed a few hours near me (maybe two hours). This place was just for the wounded, he couldn't stay there. My condition got worse on the spot. I no longer had contact with LAACHRAOUI. The free army treated me badly, I had gangrene, (...). I called him "ABU IDRIS" and I knew his name was Najim"*<sup>1524</sup>

<sup>1519</sup> Police report 48527/16 (MOD9, CG, SF1, 5)

<sup>1520</sup> Police report 009230/19, MOD9, CG, SF1, 15

<sup>1521</sup> Police report summary interview Investigating Judge of 27 December 2016, MOD9, CG, SF1, 12

<sup>1522</sup> and the statements of Majid AFKIR

<sup>1523</sup> Police report 45744/17 (MOD9, CG, SF1, 13)

<sup>1524</sup> Police report 45744/17 (MOD9, CG, SF1, 13)



Bilal EL MAKHOUKHI adds that he has not seen Najim LAACHRAOUI since then.

He also states that he did not know that Najim LAACHRAOUI had returned to Belgium and did not know his plans.

According to him, Hervé BAYINGANA MUHIRWA is a friend he has known for more than 10 years, long before he converted to Islam. Since then, he has called him "Abdelkarim" and not "Amine".

Before the Brussels attacks, the friends saw each other once or twice a week or every two weeks. But Bilal EL MAKHOUKHI adds that he does not think he saw him in January, February and March 2016.

Contradicting Hervé BAYINGANA MUHIRWA, Bilal EL MAKHOUKHI says that Hervé BAYINGANA MUHIRWA never spoke to him about Najim LAACHRAOUI. He said that he discussed everything and anything with him, but that it would have nothing to do with the attacks.

He states that neither he nor Hervé BAYINGANA MUHIRWA have pledged allegiance to the Islamic state.

He says he does not know who Hervé BAYINGANA MUHIRWA hosted in his studio. He has no particular explanation to give for the time spent with him in the park named "Gros Tilleul" on the evening of 7 April 2016.

Bilal EL MAKHOUKHI denies having met Osama KRAYEM or Mohamed ABRINI at Hervé BAYINGANA MUHIRWA's house after the attacks, despite the latter's declarations: "Never seen in my life", he says about them<sup>1525</sup>.

Interviewed about the telephony, Bilal EL MAKHOUKHI doesn't remember the deleted SMS addressed to Hervé BAYINGANA MUHIRWA<sup>1526</sup>. He also wouldn't know who the Mohamed in this message would be, but certainly not Mohamed ABRINI.

As for the number "032485945025", active from 23 March 2016 placed in the mobile phone NOKIA RM944<sup>1527</sup>, Bilal EL MAKHOUKHI declares that it cannot be his and that there must have been other people in "rue du Tivoli" at that time.

Bilal EL MAKHOUKHI, at first, claims not to know the EL BAKRAOUI brothers

*"I had lied about it because of what he had done and also because I had been convicted of acts related to terrorism, I didn't want to say it.*

*I already knew him before he went to prison in 2010. We often saw each other at the football field near the Heizel. We played together.*

*(...) I saw him again when he was released from prison. I think it must have been towards the end of 2013. It was in any case when I had returned from Syria. We were living in the same district, in Laeken.*

<sup>1525</sup> Police report 19440/16, MOD 15, CS, SF2, 3a

<sup>1526</sup> Cfr. the SMS " Salam AYLEKOUM tries debar mohamed's number it's important I've got the other ones incha Allah ".

<sup>1527</sup> whose packaging box was found at the home of Hervé BAYINGANA MUHIRWA

**Remark of the sworn translator : "debar" : word that does not exist in French and the meaning of the whole sentence is difficult to understand and therefore to be translated properly into English.**

*At that time, we didn't see each other very often, it was just a friendly relationship with no more than that "*<sup>1528</sup>.

He states that he did not know Ibrahim EL BAKRAOUI in particular. Ibrahim EL BAKRAOUI sometimes accompanied his brother Khalid. There were no specific meetings with them and Bilal EL MAKHOUKHI did not have their telephone numbers. The EL BAKRAOUI brothers would not have told him that Najim LAACHRAOUI was staying at "Avenue Max Roos".

Bilal EL MAKHOUKHI says he saw Khalid EL BAKRAOUI and Hervé BAYINGANA MUHIRWA again during the period he was under an electronic bracelet, but never together: Hervé BAYINGANA MUHIRWA and Khalid EL BAKRAOUI: *"did not know each other"*<sup>1529</sup>.

As for Khalid EL BAKRAOUI :

*"The last time I saw him was on March 16. I came across him in Laeken and he asked me if I could accompany him to Etterbeek. So, I went with him. We took public transport "*<sup>1530</sup>

Bilal EL MAKHOUKHI said that he made fun of his appearance because he had *"a blond goatee and glasses (...)* He did not tell me anything about this change of appearance "<sup>1531</sup>. He acknowledges to have accompanied him in "avenue des casernes", but denies having been in "rue Max Roos".

When the investigators ask him how to explain the presence of his DNA in that place, he exclaims : *"It's impossible! Show me the evidence"*<sup>1532</sup>.

It was during the following hearing that he admitted having accompanied Khalid to "rue Max Roos

*On 16/03/2016 in the afternoon between 5 p.m or 6 p.m., I went into the apartment. I did my afternoon prayer with Khalid, ate some dates, drank a glass of milk. The only room I saw was the room with the fireplace, and all the doormats ( .. )*

*But I hadn't done my midday and afternoon prayers and I wanted to do my prayer before going home so we went to his place and that's it ... When we got to the flat Ibrahim was there too, there were 3 of us "*<sup>1533</sup>

Also initially, he claims to be unaware that the EL BAKRAOUI brothers were wanted on March 16, 2016:

*"I had just had my bracelet removed, I was not going to stay with him if I knew he was wanted!" "*<sup>1534</sup>

<sup>1528</sup> Police report 19440/16, MOD 15, CS, SF2, 3a

<sup>1529</sup> Police report interview JI, MOD9, C6, SF1, 12

<sup>1530</sup> Police report 19440/16, MOD9, C6, SF1, 4

<sup>1531</sup> Police report 19440/16, MOD9, C6, SF1, 4

<sup>1532</sup> Police report 19440/16, MOD9, C6, SF1, 4

<sup>1533</sup> Police report 48527/16, MOD9, C6, SF1, 5

<sup>1534</sup> Police report 19440/16, MOD9, C6, SF1, 4



Then he goes back over this statement:

*"When I got home I realised via the news that they were wanted and that I was in trouble."*<sup>1535</sup>

Before the investigating judge, he added that he had known "since 21 March 2016" that LAACHRAOUI was wanted.

When the investigators pointed out that he could have prevented the attacks of 22 March if he had given them the addresses of the hideouts, Bilal EL MAKHOUKHI replied

*"I admit I made a mistake, I have no excuse (...). But I am not the only one. There were other people who knew a lot of things about the file and who were released"*<sup>1536</sup>.

With Hervé BAYINGANA MUHIRWA, as with Khalid EL BAKRAOUI, he would not have had any particular conversations. They sometimes talked about religion. According to him, *All Muslims have the same conception of religion*"<sup>1537</sup>,

He declares that he does not know Smail FARISI.

### **3. About his coming to the hideouts**

It is only when confronted with the images of the entrance to the building of the "Avenue des Casernes" that Bilal EL MAKHOUKHI admits having accompanied Khalid EL BAKRAOUI - after he "met him by chance" on Wednesday 16 March 2016.

Similarly, it is only when confronted with the presence of his DNA in "Rue Max Roos" that he finally admits that he had come there, with Khalid EL BAKRAOUI, after having been in Etterbeek.

The two friends would first have gone to a snack bar. Bilal EL MAKHOUKHI claims to have done his ablutions there and then accompanied Khalid EL BAKRAOUI to the flat in the 'rue Max Roos': *"we were late and I had to catch up on some prayers and I caught up on them in the "rue Max Roos"*.

"1538. He specifies *"When we arrived at the flat, Ibrahim was there too, we were 3"*<sup>1539</sup>.

He ate some dates and drank a glass of milk before going back home.

He would have gone into the living room where there were 3-4 mattresses on the floor, books, a screen, nothing special or unusual.

He doesn't see any flag on the wall, doesn't smell anything... or rather

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<sup>1535</sup> Police report 48527/16, MOD9, C6, SF1, 5

<sup>1536</sup> Police report 33014/18, MOD9, C6, SF1, 14

<sup>1537</sup> Police report interview Investigating Judge, MOD9, C6, SF1, 12

<sup>1538</sup> Police report interview Investigating Judge 27 December 2016, MOD9, C6, SF1, 12

<sup>1539</sup> Police report 48527/16, MOD 15, C6, SF1, 5

*"Actually, I smelled ammonia, but I'm not paying attention, I don't know what it is."*<sup>1540</sup> *"I don't even know what ammonia is basically used for"*<sup>1541</sup>

And he wouldn't have asked himself any questions.

He saw no weapons there

Bilal EL MAKHOUKHI thinks that *"the "flat in "rue Max Roos ""* was the flat of the EL BAKRAOUI brothers and then of Ibrahim... He does not know who was sleeping on the other mattresses and would not have seen LAACHRAOUI<sup>1542</sup>.

He said he would have stayed there for *"ten to fifteen minutes"*<sup>1543</sup> *"between 5.00 and 06.00 pm "* before leaving his friends.

He claims that this is the only time he has been in this flat.

However, during his fourth interview, the investigators noticed that he seemed to know the layout of the premises better than he was willing to say, knowing without difficulty whereas the plan was upside down for him, locate the kitchen<sup>1544</sup>.

Confronted with the photographs of the flat in "rue Max Roos", Bilal EL MAKHOUKHI finally admits having seen the flag on the wall: *"Yes, I confirm that the flag is there. I don't give a damn about seeing the flag. I don't make the connection with the Islamic State. In any Muslim house you can find this flag (...) Yes, I see the flag, but I don't see anything wrong with it. I often see flags like this one in people's homes"*<sup>1545</sup>.

He did see 3 or 4 empty bins, but no cans nor electric wires.

Bilal EL MAKHOUKHI claims that he was not in "rue Max Roos" on 21 March 2016, even though his cup and date cores were found in the kitchen bin on the morning of 22 March 2016.

He acknowledges that he would not betray the EL BAKRAOUI brothers if they had asked him to keep a secret, as he had known them well for some time.

It would not have been until 22 March 2016 that he realised what had happened :

*"At that time I knew about the attacks (Zaventem and Maelbeek). I was at home, I was thinking about what had just happened.*

*I said to myself, this is shit, what are we doing? What do you want me to say. I thought that there might have been members of my family.*

*I was disgusted with the perpetrators. When I saw the pictures of the perpetrators, I was disgusted with them. I was angry at myself. I made the connection at the time I saw the pictures, I have a doubt about the perpetrators.*

<sup>1540</sup> Police report 48527/16, MOD9, C6, SF1, 5

<sup>1541</sup> Police report summary interview IJ, MOD9, C6, SF1, 12

<sup>1542</sup> Police report summary interview IJ, MOD9, C6, SF1, 12

<sup>1543</sup> Police report 45744/17, MOD 9, C6, SF, 13

<sup>1544</sup> Police report 45744/17, MOD 9, C6, SF1, 13

<sup>1545</sup> Police report 45744/17, MOD9, C6, SF1, 13

*Because of the flags. The day before, they had identified LAACHRAOUI/ Najim. And for the pictures of the EL BAKRAOUI brothers.*

*Concerning the flag, it is almost similar to the one of the IS' so following this terrorist attack, I made the connection " <sup>1546</sup> -*

However, he did not go to the police because "*that is not my job*". On the other hand, he did not want to be lumped together either. But then he understands why Khalid EL BAKRAOUI wore glasses and was dyed blond...

Then, when the photograph of Najim LAACHRAOUI comes out in the press as the bomb-maker of the PARIS attacks, he declares :

*"It's true, I knew, I made a mistake, I have no excuse. But I didn't know that there were attacks that were going to happen on the metro. I'm not crazy, I have family members who take the metro " <sup>1547</sup>*

He denies having recruited Hervé BAYINGANA MUHIRWA for the cell, and claims that he did not know about the hideouts before 16 March 2016.

He claims not to know Ali EL HADDAD ASUFI.

Bilal EL MAKHOUKHI repeats, in his 5<sup>th</sup> interview, that he knows nothing about TATP and did not detect it when he went to the flat in "Rue Max Roos" on 16 March 2016 <sup>1548</sup>

#### **4. About his telephony**

When questioned about his phones, Bilal EL MAKHOUKHI says he did not use smartphones, encryption software or the Telegram application.

The proof of purchase of a SAMSUNG J1 smartphone purchased in February 2015 was however found in the drawer of his bedside table. However, this phone was not found. He claims not to know about the telephone model covered by this invoice.

He explains that he used the NOKIA C2 (which belongs to his mother) before he went to Syria, but never again after his return from Syria <sup>1549</sup> .

He said he used the SAMSUNG S 3600 as his regular phone and put the SIM card in it " 32483620724 ". This phone was previously used by his mother.

<sup>1546</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1547</sup> Police report 33014/18, MOD9, C6, SF1, 14

<sup>1548</sup> Police report 33014/18, MOD9, C6, SF1, 14

<sup>1549</sup> Police report 33014/18, MOD9, C6, SF1, 14. It is nevertheless in this mobile phone that the SIM card "32483620724" is inserted on 10 January 2016 between 11.26 am and 7.12 p.m., that is when he sends the SMS "Salam AYLEKOUM tries debar mohamed's number it is important I've got the others incha Allah" to Hervé BAYINGANA MUHIRWA.

This SMS, which was later deleted from the phone, could be found again in that of Hervé BAYINGANA MUHIRWA

Remark of the sworn translator : debar : "word" that does not exist in French and the meaning of the whole sentence is difficult to understand and therefore to be translated properly into English.

This is how, he explains, there are many Syrian and Turkish numbers, listed in the directory under initials: his mother encoded them when he telephoned her from Syria <sup>1550</sup>.

When asked to explain why his phone cuts out at certain times, he says, *"I really don't know what to tell you, I don't cut my phone out, it's because I ran out of battery. If it reactivated near my house it was because I put it on charge"* <sup>1551</sup> -

However, he knows the usefulness of switching off his telephone: *"To avoid being spotted, it is easier to switch off your telephone "* <sup>1552</sup>.

Bilal EL MAKHOUKHI does not explain to himself why his phone switched off between 6.30 pm and 8. 10 pm in the evening of 21 to 22 March 2016 before going to the restaurant with, among others, Hervé BAYINGANA MUHIRWA.

He maintains that he had nothing to do with the telephone numbers written on the piece of paper found in "rue Max Roos" in relation to the names "Imrane" and "Amine".

He rejects the hypothesis of the investigators that these numbers have been replaced by the numbers "32485945025" and "32485870080" <sup>1553</sup> used between him and Hervé BAYINGANA MUHIRWA.

On this subject, and to explain precisely why, as of 23 March 2016, he is using a new telephone and a new number for contacts with Hervé BAYINGANA MUHIRWA only, Bilal EL MAKHOUKHI invokes a police check he underwent after the attacks.

*"I thought I would be arrested because I had had contact with the EL BAKRAOUI brothers. As I needed a telephone, I bought a new one because I wanted to get rid of my telephone that the police officers (...) had handled"* <sup>1554</sup> -

He therefore would have bought a new mobile phone NOKIA <sup>1555</sup> at "Bell Telecom" in "Rue Marie-Christine" in Laeken, which he activated as soon as he left the shop. He claims to have thrown the box away immediately in a waste bin.

However, the check Bilal EL MAKHOUKHI was subjected to, took place on 25 March 2016, i.e. after the acquisition of this telephone and not before.

The single SIM card that was inserted into this phone bears the number "3248945025" <sup>1556</sup>.

Bilal EL MAKHOUKHI explains the communications made with this SIM card:

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<sup>1550</sup> Police report 49225/16, MOD9, C2, SF1, 2

<sup>1551</sup> Police report 009230/19, MOD9, C6, SF1, 15

<sup>1552</sup> Police report 45774/17, MOD9, C6, SF1, 13

<sup>1553</sup> Both only active between 23 and 31 March 2016. (Cfr Police report 34815/16, MOD15, C11, SF2, 49)

<sup>1554</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1555</sup> Police report 33014/18, MOD9, C6, SF1, 14

<sup>1556</sup> It should be noted that the investigation evidence relating to the SIM card '32485945025' showed that it was purchased on 10 March 2016 (thus also prior to the police check Bilal EL MAKHOUKHI was subjected to) by "MATH SPRL" located at "Chaussée de Mons" 164, 1070 Brussels (Anderlecht) (Police report 36933/17, MOD15, C20, SF2, 13A)



*"I call Hervé's new number (32485870080), because I see him in the meantime and he gives me his new number. Then I ring him. If I ring his new number 32485870080 it is because I had to see it, it is not possible otherwise. Maybe he sent me his new number by message on my old number (SAMSUNG mobile phone), I don't know. (...) All this may seem strange, but it has nothing to do with the terrorist attacks"<sup>1557</sup> -*

When the investigators retort that the box of this NOKIA mobile phone was found at the home of Hervé BAYINGANA MUHIRWA, he said at first that it did not mean anything to him: in any case, it is not the one that had been bought after the police check.

He then admits that he was wrong:

*"Maybe I left with the box at Hervé's (...) .. I can't explain what the box was doing at his house. Maybe I bought the box with Hervé. I remember buying a mobile phone, that's all"<sup>1558</sup>*

BILAL EL MAKOUKHI then thinks remembering <sup>1559</sup> that the SIM card he bought after the police check is number "32489870470"<sup>1560</sup> : "It's possible that this number would be the number I used for one week, just after the police check. The number I bought with the mobile phone from "Bell Telecom"<sup>1561</sup>.

For the rest, he continues to use his old box with his usual card: *"I still needed my other number because I had applied for a job. Afterwards I finally kept this number as I had nothing to reproach myself with"*<sup>1562</sup> .

But when asked what happened to this phone, he replied:

*"I kept it for a little while like a week or so and then I put it in the trash. In a street waste bin I don't know which.(...) I didn't need this mobile phone anymore so I put it in the waste bin. For me it's quite normal to act like that. If there is nothing wrong. If there is no inconsistency for me. That's the way it is, the facts. I've always told you things when you show me the elements and that's how it happened "*<sup>1563</sup> .

Bilal EL MAKHOUKHI is very angry when he learns that Hervé BAYINGANA MUHIRWA had suggested that it would be Osama KRAYEM or Mohamed ABRINI who, finding the

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<sup>1557</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1558</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1559</sup> But he is mistaken, since this number "32489870470" is another number of Bilal EL MAKHOUKHI which is encoded under the mention "Bilal" in the mobile phone of Hervé BAYINGANA MUHIRWA (see above).

<sup>1560</sup> who tries to reach Hervé BAYINGANA MUHIRWA on several occasions on 25 and 30 March 2016 (cf. the SMS "apel" and rapel" (call" and "call back")

<sup>1561</sup> Police report 33014/18, MOD9, C6, SF1, 14.

<sup>1562</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1563</sup> Police report 33014/18, MOD9, C6, SF1, 14

A mobile phone with the SIM card " 32485870080 " rue de Tivoli on the table, would have used it to try to call him on this number " 32485945025 " :

*"Me? That means he says Abrini and Krayem are contacting me. , Who is he kidding, that guy, make me confront him. It's wrong." 1564*

## **5 About his activities during the evening of 21-22 March 2016**

Questioned on the evening of March 21, 2016, Bilal EL MAKHOUKHI said he had been in a restaurant called "Royale Pizza" on "Place Meiser" with friends including Hervé and *"a friend whose name I do not want to give you"*<sup>1565</sup>. There would have been 3 of them, they ate there, then went to drink a coffee and he was taken home by the one who had taken him to the pizzeria<sup>1566</sup>.

He then goes back over this statement indicating that he joined FASSI at the pizzeria "Royale Pizza" by tram. He also met Hervé BAYINGANA MUHIRWA and his friend MOUELI on the premises. He was taken home by Hervé BAYINGANA MUHIRWA.

And when the investigators notice that Hervé BAYINGANA MUHIRWA made the detour through Riga square (which serves "rue Max Roos") at about 9.31 p.m., Bilal EL MAKHOUKHI cannot explain why his friend took this way.

## **6. About his life and his personal beliefs**

Bilal EL MAKHOUKHI is a Sunni Muslim and has been saying his 5 prayers a day "on the hours" since he was 15:

*"I started by myself, nobody forced me, I started by myself (...).All the Muslims have the same conception of religion. Upon interpellation, the Shiites, they are not Muslims, according to the Koran (...)" 1567*

He declares that he is not interested in politics.

At first, he refused to talk about what was happening in Syria, for fear that his words would be interpreted<sup>1568</sup>. He also refuses to talk about jihad to the investigating judge, for the same reasons.

Then he explains that he went to Syria, documented by the media.

*"I saw massacres and nobody did anything. My goal was to put my stone to the building and fight the Bashar Al Assad regime there 1569*

<sup>1564</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1565</sup> Police report 48527/18, MOD9, C6, SF1, 5

<sup>1566</sup> That would be Sofyan FASSI

<sup>1567</sup> Police report summary interview, MOD9, C6, SF1, 12

<sup>1568</sup> Police report 48527/16, MOD 9, C6, SF1, 5

<sup>1569</sup> Police report 45744/17, MOD9, C6, SF1,13



He was a member of the group "Maglis Shura al-Mujahidin". After a short basic training, He went to the front as a private<sup>1570</sup>. He acknowledges that in Syria has embraced the ideas of this group, which has merged with the "Islamic State."

*"Today, I support the ideology of the Islamic State, but not the attacks"* <sup>1571</sup>.

*"War is on the front line, not here "* <sup>1572</sup> he says.

*"War is on a battlefield, not in an airport or a metro station, I don't see the point. I could have been someone of my family there "* <sup>1573</sup>

What happened on 22 March 2016: *"It's not right. If I had participated, I could have killed someone from my family, I didn't participate in this. It just sucks, it's not good"* <sup>1574</sup>.

#### **7. About a box known to belong to Abou Imrane, rented to store the cell's weapons**

Bilal EL MAKHOUKHI says that he is not this Abou Imrane that he has no weapons and that he has not moved any of them<sup>1575</sup>. He would not know where they are hidden <sup>1576</sup>.

Despite Mohamed ABRINI's claim, the audio that addresses this issue is not his concern:

*"In the audio, LAACHRAOUI did not specify that it was me. You can't leave things to anyone. It works by recommendation, he should have been more specific about me. He **should** have said where I was with him on the front "* <sup>1577</sup>

Regarding the garage box, he said:

*"How do you want me to keep a box, I'm in prison and I can't pay the rent. I confess, I made mistakes in not telling you the truth from the start, I did the stupid, I did not participate, I was not aware. I have no death on my conscience, I sleep like a baby every night "* <sup>1578</sup>.

Bilal EL MAKHOUKHI, who was later heard by the investigating judge, admitted having spoken with Mehdi NEMMOUCHE, among others, while he was incarcerated in the prison of Bruges.

<sup>1573</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1574</sup> Police report summary interview, MOD9, C6, SF1, 12

<sup>1575</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1576</sup> Police report 33014/18, MOD9, C6, SF1, 14

<sup>1577</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1578</sup> Police report summary interview, MOD9, C6, SF1, 12

But again he claims to ignore everything about the weapons which would have been handed over to Abou Imran<sup>1579</sup>

## **E - PSYCHIATRIC EXPERTISE**

The experts BEINE and LEISTEDT state in their report of December 2016 that at the time of the acts with which Bilal EL MAKHOUKHI is charged, Bilal EL MAKHOUKHI was not in a state of dementia or in a serious state of mental imbalance or mental debility rendering him incapable of controlling his actions<sup>1580</sup>.

They consider that "*due to his mode of operation, Bilal EL MAKHOUKHI constitutes a significant social danger*" and presents, on the other hand; personality traits that refer to a so-called narcissistic and paranoid structure. According to them, there are also antisocial traits, without mentioning a real personality disorder. They also note a significant level of radicalisation.

The "treatment" of Bilal EL MAKHOUKHI, who is not mentally ill, is a matter for criminal justice and not for medicine and psychiatry.

## **F – CHARACTER INVESTIGATION**

Bilal EL MAKHOUKHI did not want any character witnesses to be heard, believing that they had all been heard before.

Here are excerpts from the statements of his family members, and then of his main friends.

### **AAJOUR Zahra, his mother**<sup>1581</sup>

According to his mother, Bilal EL MAKHOUKHI had a normal childhood with no particular worries, and he obtained a degree in welding and then management. He left for Syria without informing his family in October 2012. His family did not see it coming. He was depressed because he could not find a job. After he left, his mother made the link with some of her son's radical relationships. She called her son in Syria, but he wouldn't say much about what he was doing there. According to her, he left to help.

In November 2013, he came back wounded and then he was convicted in the Sharia4Belgium trial. His family has forbidden him to bring his friends home. Zahra AAJOUR only knows two classmates: Hervé BAYINGANA MUHIRWA and a so-called "Ayoub".

According to his mother, Bilal suffers a lot from his handicap and his prosthesis is too heavy: he cannot go out for more than 2 hours without lying down.

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<sup>1579</sup> Even if the conversations he held with Mohamed ABRINI on 1 and 2 June 2016 in the prison of Bruges indicate otherwise.

<sup>1580</sup> MOD 7, C7, SF6, 5

<sup>1581</sup> Police report 19994/16 (MOD15, CS, SF2, 18) and Police report 49225/16 {MOD9, C2, SF1, 2}

When asked about the numerous phones seized at their home, Zahra AAJOUR declared that she had been using the SAMSUNG mobile phone seized during the search since 2009. It is in this mobile phone that are encoded under initials, the Syrian or Turkish numbers by which Bilal called his family. She confirms that Bilal used this phone on his return from Syria as soon as he was released from prison.

Zahra AAJOUR is certain of her son's innocence. He was getting better since February 2016, she says, and was getting back on track, looking for work and social housing. Bilal certified to her that he had done nothing.

**Ahmed EL MAKHOUKHI, his father**<sup>1582</sup>

Ahmed EL MAKHOUKHI confirms his wife's statements about Bilal's departure from and return to Syria. Disappointed not to find a job in Belgium, he left *"to feel useful by helping others on a humanitarian level"* in Syria. Bilal stayed in the Ardennes with friends, frequented Jean-Louis DENIS and the "Restos du Tawhid" before leaving. His parents did not notice any change in their son, who has always been practising.

Bilal gave little news from Syria: *"We tried to convince him to come back but in vain. He said he had left and could not easily return. He was under a lot of control there and was not, for example, allowed to call whenever he wanted."*

To his father, he expressed his regrets on his return. He came back handicapped for life and depressed.

His father only knows a *"Rwandan friend called Hervé"*, a school friend. But because the lawyer had told him that his son's frequentations had to be monitored, he decided that his son could not receive anyone at home.

His father is convinced of his son's innocence, given his disability, and he believes it was difficult for him to provide logistical support for the Brussels attacks.

Bilal EL MAKHOUKHI wanted to resume a normal life. His father adds: *"Bilal told me that he was in prison because he was seeing Hervé and because he had gone to Syria."*

**Youssef EL MAKHOUKHI, his brother**<sup>1583</sup>

An engineer by profession, Youssef EL MAKHOUKHI does not have a good relationship with his brother : they have very different characters. They had little contact with each other. Only his mother had contact with him during his stay in Syria. Youssef EL MAKHOUKHI organised the return of his injured brother with the Belgian authorities in Turkey. Bilal EL MAKHOUKHI communicates little and spends a lot of time reading numerous religious books in his room.

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<sup>1582</sup> Police report 19975/16 (MOD9, CI, SF1, 11) and Police report 26426/16 (MOD9, CI, SF1, 27)

<sup>1583</sup> Police report 20064/16 (MOD9, CI, SF1, 12)

However, before he left, he spent a lot of time outside the house.

Once his bracelet was removed, he felt better and was able to see friends outside.

**Abderrahmane EL MAKHOUKHI, his brother**<sup>1584</sup>

He is the oldest of the siblings. He is five years older than his brother Bilal, to whom he was quite close as a child. He considers his family to be "*united and loving*". But because of his difficulties in finding a job, Bilal would have felt devalued in comparison to his brothers who have good professional situations. Thus, they became a bit distant, and the dialogue became difficult. Bilal had few friends and was secretive about his acquaintances. He was withdrawn, proud, radicalised (he blamed his family for listening to music). When the bracelet was taken off, he was determined to rebuild his life and take control of it.

**Sofyan FASSI**<sup>1585</sup>

Sofyan FASSI is a great friend of Bilal EL MAKHOUKHI.

He claims to see Bilal EL MAKHOUKHI two to three times a week. He accompanies him for his treatment (as he had accompanied him to Antwerp to enable him to go to his trial).

It was to Sofyan FASSI that Bilal EL MAKHOUKHI sent a text message on 14 March 2016 to tell him that his electronic bracelet would be removed the next day.

FASSI describes himself as follows: "*For a non-Muslim, I would be considered radical, for a Muslim, I would be too "light"*", but he is not interested in the conflict in Syria.

FASSI is active and engaged on Facebook for the Muslim cause.

It was during his activities that he met Bilal EL MAKHOUKHI in 2010 or 2011.

Without being affirmative, Sofyan FASSI thinks that if he met Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA on the evening of 21 March 2016, it was either at the café in Schaerbeek (La Perle) located on "Rue Royale Sainte Marie", or in a snack bar located on "Place Pavillon".

He also stated that he had eaten once with Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA in a pizzeria near "Place Meiser" and that he had seen Hervé BAYINGANA MUHIRWA again with Bilal EL MAKHOUKHI in a café on "Rue Royale Sainte Marie" in Schaerbeek after the attacks.

FASSI is convinced of his friend's innocence.

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<sup>1584</sup> Police report 20077/16 (MOD9, CI, SF1, 13)

<sup>1585</sup> Police report 016933/17 (MOD9, C2, SF1, 42) and Police report 33839/17 (MOD9, C3, SF1, 1)



**Othman MOUELI** <sup>1586</sup>

A long-time friend of Sofyan FASSI and Bilal EL MAKHOUKHI, Othman MOUELI also frequented radical groups at the time, but he says that he has now detached himself from them since then. It is in this context that he met Bilal EL MAKHOUKHI.

Bilal EL MAKHOUKHI attempted to contact MOUELI on 16 March, he had 2 telephone conversations with him on 18 March and one on 21 March 2016 at 5.17 p.m. According to the witness, Bilal was contacting him to be helped to get to the hospital or the court, and sometimes also to go to eat. These contacts were not frequent and, according to him, little desired by MOUELI.

Othman MOUELI does not remember Bilal EL MAKHOUKHI 's calls and justifies FASSI's calls to agree to go for a meal or a drink. FASSI was often accompanied by Bilal EL MAKHOUKHI, and this bothered Othman MOUELI. Their discussions had to do with visits and helping the detainees. According to him, it is possible (but he does not remember that particularly) that he met Bilal EL MAKHOUKHI and FASSI for lunch on 21 March, but he claims never to have met Hervé BAYINGANA MUHIRWA.

**Hossein EL KHOMSI** <sup>1587</sup>

The witness knows Bilal EL MAKHOUKHI because he met him before his departure when he was praying at the Kouba mosque. On his return from Syria, Bilal EL MAKHOUKHI explained to him his stay in Syria. He returned changed <sup>1588</sup>.

While Hossein EL KHOMSI claims to be of a spiritual Islam based on the heart, he describes Bilal EL MAKHOUKHI as a fighter in search of commitment. *"For me, he was a person not to be associated with (spiritually, character-wise). Our souls do not recognize each other. (...) Bilal is an isolated, reserved person, he doesn't have many friends, he doesn't talk much with people. When he came back from Syria, he didn't go to the mosques anymore. For him, those who have not given allegiance to the caliphate are apostates (i.e., those who are outside the islam)( ... ). Upon questioning : What he did there, in Syria, he assumed his choice. He originally didn't want to come back, he came back because he had been hurt. He would have stayed there.*

When asked how Bilal EL MAKHOUKHI behaved on his return from Syria, EL HOMSI replied: *"Calm, level-headed, he was in favour of jihad. He was ill and wounded. He was diminished. Ayob told me 'I don't want to be around him anymore, he changed too much, basically he has become too radical. He spoke of hatred to Ayob.*

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<sup>1586</sup> Police report 022670/17 (MOD9, C2, SF1, 30) and Police report 20915/18 (MOD9, C3, SF2, 24)

<sup>1587</sup> Police report 018081/18 (MOD9, C3, SF2, 22)

<sup>1588</sup> He specifies: "His behaviour changed when he came back from Syria. I saw him once or twice when he came back from Syria, I met him at the Cage aux Ours, I talked with him a bit. We discussed religion. He explained to me his stay in Syria. He told me that he fought. He was at the front; he was hit by a bullet. They were in a fight, and he was shot by someone (...). In my opinion, Bilal's quest is to please God, according to my understanding of the person"

*I cannot draw you a picture, someone came back from Syria, who has a jihadist vision of islam.*

*Ayob did tell me that Bilal's personality changed after he returned from Syria. " Yet his friend does not imagine that he was involved in the attacks.*

Bilal EL MAKHOUKHI describes Hossein EL KHOMSI's statement in respect of him as pure meanness. He even declares that it is a "plot" organised with Ayob BOUDRAOUACH.

**Ayob BOUDRAOUACH**<sup>1589</sup>

Ayob BOUDRAOUACH has also known Bilal EL MAKHOUKHI since his childhood. He declares having seen him change his mentality by joining the radical groups of Jean-Louis DENIS and adopting an increasingly hard and radical discourse.

*"When Bilal came back to Belgium because he was wounded although he wanted to die there, I cut ties with him, but not directly. It took a while (...)"*.

*"When Bilal came back to Belgium because he was wounded although he wanted to die there, I cut ties with him, but not directly. It took a while (...)"*.

*"He was radicalised. He was no longer the same. Our vision of women in society was different. Bilal is a stubborn person.*

*"He told me that he bought a motorbike there, that he got married and then divorced. He told me about the good life he had over there, that he was better over there. Just between us, he stayed in Belgium to have his leg treated. Otherwise, he would have gone back to Syria."*

*"He was proud to have fought there in a group but he did not explain in detail what he had done there.*

He describes Bilal EL MAKHOUKHI as someone who now has a different mentality from him. Thus, Bilal EL MAKHOUKHI had lent him books on religion, which turned out to be too radical for Ayob BOUDRAOUACH.

In this regard, Bilal EL MAKHOUKHI calls the witness a liar, exaggerating on everything and wanting to attract attention.

Ayob BOUDRAOUACH was shocked by the attacks and would prefer to space out meetings with this long-time friend. *"However, I will not forget his reaction after the Paris attacks. When we were together, and the news was on TV in the cafe, he seemed to know everything before the journalist made her announcements. He had also mentioned the shooting in Forest, in a very 'normal' way. "*

In a second statement, BOUDRAOUACH completes his remarks:

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<sup>1589</sup> Police report 22841/17 (MOD9, C2, SF1, 34) and Police report 4838/18 (MOD9, C3, SF2, 1)



*"He didn't care about the attacks, whereas I was shocked. He didn't care that there were dead people. His attitude was indifferent."*

*"At the time of the shooting in Forest, I remember that Bilal told me specifically about this event. 'They have knocked, the brothers fired a burst'. I'm sure of the words used by Bilal, but I do not think that in the press they mentioned a 'burst'. He told me this in a harmless way. I cannot tell you when he told me that. This element, together with others, made me turn away from him. "*

The witness does not believe that he spent the evening of 20 March with Bilal EL MAKHOUKHI, the SMSs exchanged with him would only have been automatic messages as is the one sent at 7.46 p.m. to Bilal. "Sorry, I cannot answer you at the moment", intended to cut off contact with him.

The witness also stated that he met Hervé BAYINGANA MUHIRWA via Bilal EL MAKHOUKHI. They formed a group with two "Magids", one of whom was arrested (AFKIR). Hervé BAYINGANA MUHIRWA was close to Bilal EL MAKHOUKHI: *"both shared the same the same vision of Islam"*. He had changed his name to Abdelkarim. "A short time before the attacks", Bilal EL MAKHOUKHI asked BOUDRAOUACH to take him to a friend, without saying that it was Hervé BAYINGANA MUHIRWA. BOUDRAOUACH felt used: *"I do not understand why at the time he did not tell me he was going to Hervé's house. He told me he was going to a friend's house, but he didn't say anything more. So, he was hiding things from me and used me to get me to drop him off at Hervé's."*

According to him, when Bilal EL MAKHOUKHI returned from Syria, he mainly talked about religion, saw his friends, and went to sports. He was proud to have fought. He was radicalised and had a different conception of women than his. He would have divorced in Syria because his wife wore too much make-up.

### **Majid AFKIR**<sup>1590</sup>

A school friend of Najim LAACHRAOUI and Hervé BAYINGANA MUHIRWA, Majid AFKIR has known Bilal EL MAKHOUKHI for over ten years. They also have a common school past. Like Hervé BAYINGANA MUHIRWA, he worked in the clothing shop "Jennyfer".

According to AFKIR, after Bilal EL MAKHOUKHI returned to Belgium, they did not meet again except by chance, no longer being friends.

AFKIR denies having spent the evening of 21 March 2016 with Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA.

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<sup>1590</sup> Police report 22765/17 (MOD9, C2, SF1, 43)

The witness wants to draw a line under his past<sup>1591</sup> and is no longer interested in the Syrian problem.

**Abdelmajid ADAIAF**<sup>1592</sup>

Abdelmajid ADAIAF is a common friend of Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA. He met Bilal EL MAKHOUKHI while doing Taekwondo fifteen years ago. He said he was surprised by Bilal EL MAKHOUKHI's first conviction when he went to Syria. He was unaware of his desire to leave and, says he, never spoke with him of his stay there. *"I really thought that when he came out of prison, he had learned his lesson and that he would not fall back into it"*. He would still meet him for a drink or to play checkers.

ADAIAF claims that he had no further contacts with Bilal EL MAKHOUKHI some time before his arrest.

However, the telephony shows further contact between them in January 2016, on 17 March 2016 and on 2, 3, 4, 5 and 6 April 2016. The number of ADAIAF was encoded in the mobile phone of EL MAKHOUKHI Bilal under the mention "Majid"<sup>1593</sup>.

On the other hand, regarding the evening of 21 March 2016, it seems that ADAIAF did not ping any tower near "Place Meiser" and that he did not, as Bilal EL MAKHOUKHI did, turn off its phone on that evening<sup>1594</sup>.

**Hamza DOUHRI**<sup>1595</sup>

Hamza DOUHRI and Bilal EL MAKHOUKHI have known each other since the "Athenée Marcel Tricot". They kept in contact until the day when, suddenly, Bilal left for Syria. Since then, *"we have not seen him again. He disconnected us like this"*. He learns of his return through a mutual acquaintance.

DOUHRI declares that he knew Bilal EL MAKHOUKHI through Ayob BOUDRAOUACH, who was very close to Bilal.

He describes Bilal EL MAKHOUKHI as someone intelligent, who knows what he may say to one and not to the other.

DOUHRI runs the family grocery store in Schaerbeek where EL MAKHOUKHI used to drop by almost four times a week when he had his electronic bracelet :

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<sup>1591</sup> He was prosecuted (together with Najim LAACHRAOUI) for his participation as a leader of a terrorist group, Majid AFKIR also appeared to be in contact with Bilal EL MAKHOUKHI when the latter was injured and seeking to return to Belgium. AFKIR offered to pick him up in Turkey and to send him false papers so that he could return to Belgium without the risk of being arrested (judgement of the Brussels Criminal Court of 3 May 2016, page 151: MOD14, C8, SF1, 19)

<sup>1592</sup> Police report 022692/17, MOD 9, C2, SF1, 33

<sup>1593</sup> Police report 17673/16 (MOD15, C4, SF2, 25)

<sup>1594</sup> Police report 16687/17 (MOD15, C17, SF1, 21)

<sup>1595</sup> Police report 22774/17, MOD9, C2, SF1, 44

*"He was just staying stupidly in the shop".* He had changed. He remained withdrawn into himself and the witness says that he could not communicate with him as before. He did not know any of his new friends.

Bilal EL MAKHOUKHI resumed contact with DOURHI from prison, but the witness did not wish to maintain contact with him.

Hamza DOURHI also knows LAACHRAOUI well, who was his neighbour and with whom he went to primary school. LAACHRAOUI was *"very intelligent"*. He was well looked after by his father and did not cause any problems at school. But at the age of 16 or 17, *he became religious, and we did not see him anymore.*

## **CHAPTER VIII : HERVE BAYINGANA MUHIRWA**

**also known as "Abdel Karim", also known as "Adboultkarim", also known as "Amin", also known as "Amine"**

### **A.- PROCEDURE**

Hervé BAYINGANA MUHIRWA was charged by the investigating judge with participation in the activities of a terrorist group, murders in a terrorist context and attempted murders in a terrorist context.

He is the subject of an arrest warrant issued by the investigating judge on 9 April 2016.

After briefly recounting the explosions and the discovery of the conspiracy flat in "rue Max Roos", the investigating judge gave the following reasons for the arrest warrant:

*"BAYINGANA MUHIRWA Hervé is also suspected of having participated in the events. It has indeed come to light that between 24/03/2016 and 03/04/2016, Osama KRAYEM (also known as Naïm AL AHMAD) would have connected to his Facebook profile linked to the nickname "ÖZZ ÖZZ" from the IP address 85.68.65.24. This IP address was assigned to BAYINGANA MUHIRWA Hervé who resides at 1020 Laeken, rue du Tivoli, 33. Telephone tapping had been ordered on the telephone number which BAYINGANA MUHIRWA Hervé is said to have used; during a conversation, the interlocutors are said to have mentioned "the backpack", and BAYINGANA MUHIRWA Hervé is said to have asked his correspondent to bring the backpack.*

*BAYINGANA MUHIRWA Hervé is said to have hosted Osama Krayem but also ABRINI Mohamed.*

*BAYINGANA MUHIRWA Hervé is said to be known to the State Security Service for having been in contact with, in particular, EL KADDOURI Elyas and EL IDRISSE Brahim, who are known to the State Security Service for having been in contact with LAACHRAOUI Najim, who is said to be one of the suicide bombers who blew himself up during the airport attack.*

*BAYINGANA MUHIRWA Hervé is also said to be in contact with EL MAKHOUKHI Bilal, also known as "Abou Imran". However, the analysis of the above-mentioned audio messages revealed that a "brother" named "Imran" would have weapons and it would have to be called on him if "the brothers wanted to work".*

*BAYINGANA MUHIRWA Hervé was arrested together with Osama KRAYEM (also known as Naïm AL AHMAD).*

*The defendant denies the facts; the defendant's explanations are contradictory to the statements made by others including Abrini Mohamed and Osama Krayem; they must at least be verified"*

He is the subject of requests for referral to the assizes for murders, attempted murders and participation in the activities of a terrorist group between 1 December 2015 and 10 April 2016.

In its decision of 17 September 2021, the Brussels Court of Appeal, Indictments Division, after having found that there were sufficient and serious charges against

Hervé BAYINGANA MUHIRWA, referred this accused to the Court of Assizes of the administrative district of Brussels-Capital.

His referral to the assizes concerns both the acts committed in Zaventem and Maelbeek.

With regard to 22 March 2016, the objective of the terrorists was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek. Therefore, the different targets must be analysed as a single attack scene.

Consequently, Hervé BAYINGANA MUHIRWA is, like each of the accused, co-perpetrator of all the attacks committed on that date, without distinction of the target assigned to each of them.

## **B - BIOGRAPHY**

Hervé BAYINGANA MUHIRAWA was born on 5 May 1985 in Rwanda into a middle-class family of five children. He had three brothers and a sister, Marie-Rose, who lives in Kenya. Yves is the oldest, Nicolas the youngest.

The accused describes his childhood as normal, in a close-knit family with no major clashes. He is close to his brother Lionel, who was born two years after him, and he gets on well with all of them.

His father Pierre BAYINGANA died in 1990 "*assassinated by the ruling power*", he said, "*it was already the early stages of the genocide*".

The family fled Rwanda and took refuge in Uganda with an aunt and his cousins. It is "*from afar*" that Hervé claims to have lived through the Rwandan genocide. But contradicting his brother, Yves BAYINGANA explains that the whole family lived through this genocide, escaped atrocities, and was traumatized

Back in Kigali at the end of the genocide, their mother, Therese MUKANGWIJE, resumes her job at the post office.

In 1997, the children were entrusted to an aunt in Uganda and Therese MUKANGWIJE left for Europe "*to have a better life*" <sup>1596</sup> - Some members of the family lived in Belgium. Therese MUKANGWIJE settles there and asks for political asylum. Her children join her a year later. Hervé BAYINGANA MUHIRAWA is 13 years old.

He became a Belgian citizen on 30 October 2001. In 2006 the family moved to Laeken<sup>1597</sup>. Hervé BAYINGANA MUHIRWA met then Bilal EL MAKHOUKHI.

His schooling was generally good: he attended the "Institut iImelda" in Molenbeek and then the school "Gatti de Gamond" and obtained his secondary school diploma with a management/accounting option in 2006.

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<sup>1596</sup> Police report 19427/16 (MOD15, CS, SF2, 2)

<sup>1597</sup> Police report 9109/19 (MOD16, C3, SF1, 2)

In March 2011, Hervé BAYINGANA MUHIRWA converted to Islam in front of the Imam of the Grand Mosque, accompanied by his friends Abdelmajid ADAIAF and Majid AFKIR. On this occasion, he chose to be called by the Muslim name of "Abdelkarim".

His brother Nicolas died in August 2011 in unclear circumstances: hit by a train, he says. But according to what he told the psychiatric experts, he could have been stabbed.

In 2012, Hervé BAYINGANA MUHIRWA met Najim LAACHRAOUI <sup>1598</sup>. They had several common friends through school, the gym or work, but also through mosques and the activities organised there.

It is the time of the first departures of young people to Syria. Bilal EL MAKHOUKHI and Najim LAACHRAOUI leave Belgium. Numerous exchanges from Syria encourage other young people to join the first jihadists left to join the terrorist groups active "in *Sham*".

During this period, we find in Hervé BAYINGANA MUHIRWA's computer the trace of his first searches carried out on Islamist propaganda sites associated with the terrorist group Al-Qa'ida and other jihadist groups.

The consultation of the file related to the network through which several young people and friends of Hervé BAYINGANA MUHIRWA (including Najim LAACHRAOUI) left for Syria reveals that "*Abdelkarim*" was already in contact with some of the protagonists :

On 22 June 2013, Majid AFKIR proposed to "Abdelkarim" to go to a conference on Ramadan in "rue Ransfort" in Molenbeek-Saint-Jean at the "Centre Islamique Africain de Bruxelles" (Brussels African Islamic Centre) which Hervé BAYINGANA MUHIRWA did not seem to know.

In 2013, when his brothers and sister left home, Hervé BAYINGANA MUHIRWA found himself alone with his mother. After trying two years of marketing while working as a student at "Jennyfer", a clothing shop, he obtained a diploma in accounting at a social promotion institute while continuing to study Dutch and English <sup>1599</sup>.

He is looking in vain for a job suitable for his qualifications.

At the end of November 2013, Bilal EL MAKHOUKHI was injured in the leg and returned to Belgium. He is prosecuted before the criminal court of Antwerp in the "Sharia4Belgium" case. Hervé BAYINGANA MUHIRWA helps him by driving him several times to attend his trial.

In 2015, Hervé BAYINGANA MUHIRWA is doing more and more research on the terrorist group "I.S.I.S." and on *the Islamic State* from his computer. Several of his friends left for Syria through the same channel to join these terrorist groups. They are prosecuted and sentenced by the courts <sup>1600</sup>.

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<sup>1598</sup> Police report 8212/17 (MOD9, C4, SF2, 6)

<sup>1599</sup> Police report 9183/18 (MOD9, C4, SF2, 13)

<sup>1600</sup> Like Brahim EL IDRISSI, Mouad KOUZAM, Faysal MARKAB, Majid AFKIR and Najim LAACHRAOUI



During the month of May 2015, Hervé BAYINGANA MUHIRWA consulted all sorts of videos of speeches, songs, propaganda, fights, executions, or martyrdom operations published by the terrorist group *Islamic State*. He is also interested in the leader of the group *Sharia4Belgium*, Fouad BELKACEM, British fighters, the first companions of the prophet or as well (on 14 and 17 May 2015) in the speeches of Abu Bakr al Baghdadi and Abou Mohammed al Adnani. He is looking for images of the "ISIS" flag.

On 29 May 2015, a PDF file entitled "course material 2015" was opened on the computer found in the waste bins in "rue Max Roos".

The author of this document which could not be recovered is a certain "Hervé" <sup>1601</sup>.

In June 2015, Hervé BAYINGANA MUHIRWA continued to focus on the terrorist group *Islamic State*, by consulting new videos, among others, "*Islamic State, What is it exactly? (Daech-EIIL)*" and "*Islamic State, / the West is playing with fire*". He watched several videos featuring very professional shootings and beheadings with a background music in Arabic. He consults press articles about attacks in Tunisia and France and, on 20 June 2015, at 11.41 p.m., the video of the killing of the Jordan fighter pilot <sup>1602</sup>.

In July 2015, he is interested in the Belgium's military actions against *the Islamic State*, the Yemeni Mujahideen and Sheik Azzam (a Palestinian cleric described as "the imam of jihad").

On 14 August 2015, his vehicle is controlled double-parking on rue Ransfort, near the LOQMAN mosque that he attends. The police stated on this occasion that he showed some signs of radicalisation <sup>1603</sup>.

Between August and December 2015, Hervé BAYINGANA MUHIRWA worked for Randstad for several weeks <sup>1604</sup> - but he did not like the job <sup>1605</sup>.

In October 2015, when Ibrahim EL BAKRAOUI moved to "avenue des Casernes", and Najim LAACHRAOUI had been back to Belgium for a month, Hervé BAYINGANA MUHIRWA moves in alone on Rue du Tivoli.

In January 2016, Hervé BAYINGANA MUHIRWA's uncle found him a job as a night supervisor in a Red Cross centre for asylum seekers. The accused finds this social work rewarding and enjoys it.

It is at his home that he will be observed in the company of Osama KRAYEM and arrested on 9 April 2016.

<sup>1601</sup> Police report 42297/16, MOD 15, C13, SF2, 1. Questioning the link between "Hervé" and the cell's computer, the investigators consider (Police report 640/18, MOD 15, C22, SF1, 3b) that no link can bind both entities because in Hervé BAYINGANA MUHIRWA's CV, "we cannot find any training course for the year 2015 for which he was able to obtain course material, syllabus...".

<sup>1602</sup> Police report 6227/17 (MOD15, C16, SF1, 5)

<sup>1603</sup> Police report 040434/16 (and Police report and 8243/21, MOD21, C1, 6)

<sup>1604</sup> Police report 34805/16 (MOD15, C11, SF2, 46)

<sup>1605</sup> Police report 9109/19 (MOD16, C3, SF1, 2)

## **C - HIS INVOLVEMENT IN THE BRUSSELS ATTACKS**

Hervé BAYINGANA MUHIRWA's involvement in the Brussels attacks can be summarised as follows :

### **1. Background and chronology of events**

Arrested in the company of Osama KRAYEM and suspected of being the man named "*Amin*" cited in the audios found in "rue Max Roos", Hervé BAYINGANA is accused of having provided essential logistical assistance to the perpetration of the attacks of 22 March 2016.

Chronologically, these facts can be summarised as follows :

Since 4 December 2015, the press has been publishing photographs of the so-called Soufiane KAYAL (alias of Najim LAACHRAOUI) as part of the investigation into the Paris attacks <sup>1606</sup>.

This individual is presented as having been controlled at the border between Hungary and Austria in a Mercedes vehicle driven by Salah ABDESLAM. He is denounced as carrying false papers and, together with Samir BOUZID (alias of Mohamed BELKAID), they appear to have "*played a pivotal role in the extremely well-prepared attacks ordered by the Islamic State from Syria. It was to them that one of the Bataclan attackers, using a Samsung phone found in a waste bin, sent the following SMS: "We're off, we're starting" on the fateful evening at 9. 42 p.m."*

Neither Bilal EL MAKHOUKHI, nor Hervé BAYINGANA MUHIRWA is involved in the Paris attacks.

But both of them have known Najim LAACHRAOUI for many years. His face on the wanted posters is recognisable.

During this period, the accused continued to be interested in radical Islam: in this respect, his computer is enriched with numerous searches that he carried out at that time.

On 29 December 2015, he managed to find the Nasheed "*reach out your hand to allegiance*" on the Internet.

This Koranic song, published by the Islamic *State* group's communication department, Alhayat media Center<sup>1607</sup>, gives rhythm to a jihadist discourse and gives the armed struggle a poetic dimension. It glorifies the creation of the Caliphate, plays on the emotions of the listeners, calls on the sympathisers of the terrorist group to pledge allegiance to Abou Bakr Al Baghdadi, to carry out jihad until death and to commit attacks<sup>1608</sup>.

Hervé BAYINGANA MUHIRWA explains his research in these terms :

<sup>1606</sup> Police report 11874/19 (MOD15, C26, SF2, 56). See also Police report 004713/19 (MOD15, C26, SF2, 22) but which only mentions Najim LAACHRAOUI (and which was only published on 21 March 2016)

<sup>1607</sup> Police report 15409/17 image 124 (MOD15, C19, SF1, 7N)

<sup>1608</sup> Police report 15058/19 (MOD15, C28, SF2, 5)

*"I was at home after the Bataclan attacks. I had read an article about the attacks in which they spoke about this video. I did a copy/paste to find it. I say it from memory"* <sup>1609</sup>

On 10 January 2016, Bilal EL MAKHOUKHI sent an SMS to Hervé BAYINGANA MUHIRWA asking for his help: *"Salam can WE meet I need you incha Allah"* <sup>1610</sup>, avoiding using his own box. They then met <sup>1611</sup>.

Later that day, as the accused is located near a garage complex located in Jette, rue Leopold I, between numbers 300 and 304, he comes into contact with one of his colleagues Ajmal MAARIJ and says, *"I'm here"*.

The accused does not remember this exchange or these movements. He cannot explain them. This element remains puzzling insofar as Hervé BAYINGANA MUHIRWA is in Jette, at the same moment when some members of the cell leave the Avenue de l'Exposition and go and settle in "rue du Dries" in Forest.

If we are to believe his statements, it was around 15 February 2016 that Hervé BAYINGANA MUHIRWA met Najim LAACHRAOUI.

Indeed, in relation to the shooting in "rue du Dries", he specifies :

*"I think I can situate my first encounter with Najim well before these facts (thus about a month before 15/03/2016) and my second encounter well after this date (thus about a week after 15/03/2016). I can't really be precise about these dates, I don't remember, it's been a long time"* <sup>1612</sup>

He would have met him in the street, he would have gone with him to a café and then taken him home. They would have talked about everything and nothing, exchanging news *"We talked more about the past than the present"* but they would not have mentioned the Paris attacks.

Hervé BAYINGANA MUHIRWA adds that Najim LAACHRAOUI had the same appearance as in the photograph published in December under the name KAYAL <sup>1613</sup>

On 27 February 2016 Hervé BAYINGANA MUHIRWA installs the Telegram application on his mobile phone <sup>1614</sup> with the aim, he says, of chatting with his friends Bilal EL MAKHOUKHI, Abdelmajid ADAIAF, Majid AFKIR or with his family.

*"I had this application on my old phone, I wanted to install it on my new one"* <sup>1615</sup>

He claims that he did not have time to use it.

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<sup>1609</sup> Police report 37910/17, MOD9, C4, SF2, 8

<sup>1610</sup> Police report 36296/16 (MOD15, C11, SF2, 54D)

<sup>1611</sup> Police report 005413/18, MOD 15, C 22, SF2, 11

<sup>1612</sup> Police report 8941/19, MOD9, C4, SF2, 14

<sup>1613</sup> Police report 8941/19, MOD9, C4, SF2, 14

<sup>1614</sup> Police report 18263/17 (MOD15, C17, SF1, 33) and Police report 36296/16 (MOD15, C11, SF2, 54D)

<sup>1615</sup> Police report 29934/17, MOD9, C4, SF2, 7

- *"I waited to add all my contacts before using it",*

However, technically, contacts are saved automatically.

On 14 March 2016, Hervé BAYINGANA MUHIRWA carries out research on Youtube "*learning English*". It was for work, he says, and it would have nothing to do with Osama KRAYEM whom he did not know before LAACHRAOUI brought him home.

However, it was between 13 and 15 March 2016 that Najim LAACHRAOUI recorded the audio message "Carved001884", which mentions the arrival in the cell of a new "brother"<sup>1616</sup>.

In the early afternoon of 15 March, the police searched the flat in Forest, "rue du Dries". The shooting broke out around 2.30 p.m.

In the evening, Bilal EL MAKHOUKHI calls Hervé BAYINGANA MUHIRWA, who leaves his home and moves to the flat located in "rue Max Roos"<sup>1617</sup>.

According to Osama KRAYEM's statements, Hervé BAYINGANA MUHIRWA goes to look for Osama KRAYEM and Mohamed ABRINI in a street behind the conspiracy flat and takes them home.

*"Those who were in "Rue Max Roos", Ibrahim among others, wanted to separate us... (...) It must have been 10 p.m., he parked his car a little further away and we had to walk to get there. When we left the house, we took left and then the first right. We had our things in backpacks. This was the car in which we got arrested ..."*<sup>1618</sup>.

Mohamed ABRINI<sup>1619</sup> specifies that "*an acquaintance of Khalid EL BAKRAOUI*" took them to rue du Tivoli.

The accused, for his part, denies having gone to look for them and denies knowing the EL BAKRAOUI brothers.

But, within the cell, Hervé BAYINGANA MUHIRWA is, with Ali EL HADDAD ASUFI, the only one to own a car.

<sup>1616</sup> "Uh ... we have good news my brother, uh we have one more brother in the logistics, God be praised, you know I saw him, we saw him, you know? We talked to him etc. he was motivated, he made allegiance, you know? He told us that he will help us as much as possible with the will of Allah, you know? It is Abou Imrane who brought him to us, you know ... And ..., well ... me too I knew a brother, you know? I have also sent Abou Imran and I am waiting for the answer ... With the will of Allah, it will be a favourable response. If the second brother says "yeah", then we will have two brothers, you know? In addition, in the logistics..." (Police report 3090/18, MOD15, C22, SF1, 16B)

<sup>1617</sup> Police report 9577/18 (MOD15, C24, SF1, 21). Hervé BAYINGANA MUHIRWA was localised in the Max Roos district, not by a call from or to his number thus activating the relay tower covering the neighbourhood, but by an undefined data type activity (consultation of a website, ...) which must also pass through the relay tower (managing the 3/4G) located in this neighbourhood.

The use of 3/4G requires indeed an IP address provided by the operator and thus via the relay tower. This relay tower at the basis of the data session will remain the only reference relay tower throughout the data activity and regardless of the journeys made during that data activity (Police report 005413/18, MOD 15, C 22, SF2, 11)

<sup>1618</sup> Police report 051490/16 (MOD9, CS, SF1, 11) and Police report 23397/16 (MOD9, CS, SF1, 6)

<sup>1619</sup> Police report 21311/16 (MOD 9, C4, SF1, 6)

According to Mohamed ABRINI, "*I am staying in Tivoli for two days and Krayem only for a few hours*" <sup>1620</sup>.

Osama KRAYEM, for his part, states that the next day, on 16 March 2016 in the evening, he was driven back to "Rue Max Roos" by Hervé BAYINGANA MUHIRWA, while Mohamed ABRINI stayed in "Rue du Tivoli" <sup>1621</sup>. Hervé BAYINGANA MUHIRWA denies having taken Osama KRAYEM to the Max Roos flat.

On 18 March 2016, Salah ABDESLAM and Sofien AYARI were arrested.

On 21 March 2016, the day before the Brussels attacks, the real identity of Najim LAACHRAOUI was published in the press. He is presented as the bomb-maker of the Paris attacks <sup>1622</sup>.

On that day, Hervé BAYINGANA MUHIRWA was at home in the afternoon <sup>1623</sup>. His phone then connects in Bilal EL MAKHOUKHI's home at 4.13 p.m. <sup>1624</sup> and then switched off. The investigation does not identify the reason for this.

At 6.24 p.m., Hervé BAYINGANA MUHIRWA's phone is turned back on <sup>1625</sup>.

Three minutes later, he pings the tower 3115 (cell 9) covering the flat in "rue Max Roos". Hervé BAYINGANA MUHIRWA explains that he had dropped Mohamed ABRINI off at the Schaerbeek train station located near the conspiracy flat.

According to telephony, Hervé BAYINGANA MUHIRWA then went to the Midi train station <sup>1626</sup> before returning to Schaerbeek to have a meal at the pizzeria "Royale Pizza" in the company of Bilal EL MAKHOUKHI.

At 9.55 p.m., Hervé BAYINGANA MUHIRWA searches on the Internet for the "Tor" program which allows anonymous browsing.

According to Bilal EL MAKHOUKHI, at the end of the evening, everyone goes home around 11.00 p.m.– 11.30 p.m. Hervé BAYINGANA MUHIRWA reportedly drove Bilal EL MAKHOUKHI home.

On 22 March 2016, after the perpetration of the attacks, Mohamed ABRINI and then Osama KRAYEM went to the home of Hervé BAYINGANA MUHIRWA.

In the flat in "rue Max Roos" searched the same day, a document was found on which two telephone numbers were written next to the words *Amine* and *Imran*.

Between 23 and 31 March 2016, the usual phone numbers of Hervé BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI were no longer in contact with each other.

<sup>1620</sup> Police report 21311/16 (MOD 9, C4, SF1, 6)

<sup>1621</sup> Police report 051490/16, MOD9, CS, SF1, 11

<sup>1622</sup> Police report 33014/18 (MOD9, C6, SF1, 14)

<sup>1623</sup> Police report 18263/17 (MOD15, C17, SF1, 33)

<sup>1624</sup> Quai des Usines cell tower. Cfr Police report 9577/18 (MOD15, C24, SF1, 21) and 18263/17 (MOD15, C17, SF1, 33)

<sup>1625</sup> He pinged the cell tower in "rue Metsys" (data activity) located at crow flies at 793 m from the Max Roos flat (Police report 17205/17 (MOD15, C18, SF1, 9)

<sup>1626</sup> where he pings between 7.14 p.m and 8.28 p.m.

The investigators then formulate the hypothesis that Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA contact each other through two new numbers activated from 23 March 2016<sup>1627</sup>,

This hypothesis is confirmed by the analysis of the towers activated by the two numbers that ping in the respective neighbourhoods of Hervé BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI<sup>1628</sup>.

During this period, Osama KRAYEM and Mohamed ABRINI stay with Hervé BAYINGANA MUHIRWA. Hervé BAYINGANA MUHIRWA continues his night work.

Thanks to the identification of the IP address from which Osama KRAYEM contacts his brother, an observation is set up on the person and residence of Hervé BAYINGANA MUHIRWA<sup>1629</sup>.

It will lead to the arrest of three people on 8 April 2016 : Mohamed ABRINI, Bilal EL MAKHOUKHI and Osama KRAYEM

## **2. The identification of "Amine"**

Although he denies it, several elements identify Hervé BAYINGANA MUHIRWA with the person nicknamed Amine:

### **a. The statements of the other accused**

From the moment of his arrest, Osama KRAYEM declared that Amine, the person arrested at the same time as him, was the one he had been staying with :

*"The black man in whose home I slept, I call him Amine, he told me his name was Amine, I don't know if it's his real name."*<sup>1630</sup>

When asked who said his name was Amine, Osama KRAYEM replies:

*"I think it was Khalid who had told me. When Khalid told me that we were going to leave the flat and go to another one, he had told me that it would be to a certain "AMINE"*<sup>1631</sup>

<sup>1627</sup> One of them, i.e., the "32485870080" is located in a device found on the table in Hervé BAYINGANA MUHIRWA's living room (Police report 15795/16, MOD 11, C1, SF3, 6) and was used to contact Sodexo. Another number, the "32485945025" is also contacted. Hervé BAYINGANA MUHIRWA does not remember the identity of the holder, but it is noted that he is his only contact person.

The packaging box of the telephone containing the number "32485945025" was also found at Hervé BAYINGANA MUHIRWA's home.

<sup>1628</sup> Police report 33420/16 (MOD15, C11, SF2, 28)

<sup>1629</sup> cf. Police report 18685/16 (MOD10, CS, SF2, 8) (corrected by Police report 40469/1919, MOD15, C31, SF3, 29A), Police report 35702/17 (MOD15, C20, SF2, 2), Police report 42985/18 (MOD15, C26, SF1, 45) and Police report 17659/19 (MOD15, C30, SF1, 4)

<sup>1630</sup> Police report interview Investigating Judge, MOD9, CS, SF1, 7

<sup>1631</sup> Police report 39139/16, MOD9, CS, SF1, 2



This statement is reiterated by Osama KRAYEM on several occasions throughout the investigation<sup>1632</sup>.

Mohamed ABRINI is less consistent in his statements about Hervé being *Amine* : when questioned by the investigating judge on 9 April 2016, he stated that he did not know whether Hervé BAYINGANA MUHIRWA was called Amine.

Then, on 28 April 2016, he said: "*AMINE I think it's Hervé the black guy (...). When Hervé converted, he was called AMINE*"<sup>1633</sup>.

Then, on 18 October 2016, he said that he was told by the police that Hervé was called Amine from his convert name<sup>1634</sup>.

And, when questioned again by the investigating judge on 22 November 2018, ABRINI finally declared:

*"Hervé was called Amine at first. At least me and Krayem called him like that. I have not heard anyone else call him like that"*<sup>1635</sup>.

Bilal EL MAKHOUKHI, his friend for more than 10 years, claims to be unaware that Hervé is nicknamed "Amin", his convert's name being Abdelkarim.

The other accused do not talk about the accused.

b. The elements discovered in "Rue Max Roos"

The audios found in the computer and the document containing two telephone numbers with the names Amine and Imrane link these two people.

The friendship between Hervé BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI is long-standing and is clear from the file.

At the time of the recording of the audio '*carved001884*', between 13 and 15 March 2016, *the brother*, brought to the group by Imrane, is said to have pledged allegiance.

The "audio message" recorded the day before the attacks provides more details regarding this *brother Amine*, and reveals that Abou Imrane

*"... and brother Amine who had pledged allegiance, who also helped us in the meantime, they hope for a route to Sham. These are the ones I told you about in the previous audio. And if there is not, for Libya Inshallah. You see my brothers want to make their hijra."*

Thus, according to these recordings, *Amine*, linked to *Abou Imrane*, has pledged allegiance, he helped the group and hopes to find a route to Sham or, failing that, to Libya.

<sup>1632</sup> Police report 39139/16, MOD9, CS, SF1, 2

<sup>1633</sup> Police report 18778/16 (MOD9, C4, SF1, 4)

<sup>1634</sup> Police report 42728/16 (MOD 9, C4, SF1, 9)

<sup>1635</sup> Police Report IJ's interview, 22 November 2018, MOD 9, C4, SF, 16

### c. Searches discovered in the computer of Hervé BAYINGANA MUHIRWA

Elements relating to the allegiance, to Amine's name and Libya are found in the computer of the accused:

Hervé BAYINGANA MUHIRWA has saved documentation showing his interest in *the* Islamic state and in particular in the nasheed in French<sup>1636</sup> or in English<sup>1637</sup>

Furthermore, the analysis of his LENOVO computer reveals that searches were made via the Google site for the Muslim name "*Amine or El Amine*". However, these searches cannot be dated<sup>1638</sup>.

Finally, on 24 February 2016, at 01.40, a search was made for the Islamic State video "Benghazi -The meaning of resolve 2" produced by the Islamic State propaganda organ in Libya<sup>1639</sup>.

### 3. The exploitation of the telephony

During the search carried out on 9 April 2016 at the home of Hervé BAYINGANA MUHIRWA<sup>1640</sup>, several documents mentioning telephone numbers were found, as well as evidence of SIM card recharging and empty mobile phone boxes.

#### a) Telephone devices

##### 1°. The SAMSUNG Galaxy S5 phone

Found in the possession of Hervé BAYINGANA MUHIRWA at the time of his arrest, this telephone is the main device he used during the period of infringement<sup>1641</sup>.

It is in this device that the SIM card of his usual number "32486372754" is placed.

His usual friends are recorded there<sup>1642</sup>.

Various mail addresses mail (herve.b.777@gmail.com, crakkwesson@gmail.com and herve\_b\_777@hotmail.com) are linked to this telephone<sup>1643</sup>

<sup>1636</sup> Like the nasheed "Reach out your hand" (see above)

<sup>1637</sup> Such as "Nasheed kill them wherever you find them" and "kill them wherever you find them", recorded on 22 February 2016, which calls on Islamic State supporters to pledge allegiance to Abou Bakr al Baghdadi.

<sup>1638</sup> Police report 34020/17 (MOD15, C20, SF1, 32C)

<sup>1639</sup> Police report 34020/17 (MOD15, C20, SF1, 32C)

<sup>1640</sup> Police report 15795/16 (MOD 11, C1, SF3, 6) and Police report 18889/16 (MOD4, C26, SF1, 1)

<sup>1641</sup> Police report 15786/16 (MOD15, C3, SF1, 53A) and analysis Police report 27970/16 MOD 15, C9, SF1, 25) and Police report 36296/16 (MOD15, C11, SF2, 54D)

<sup>1642</sup> Police report 36296/16 (MOD15, C11, SF2, 54D)

<sup>1643</sup> Police report 18263/17 (MOD15, C17, SF1, 33)

Several applications were downloaded on this device: a SYGIC application (GPS), games, news applications, and applications related to Islamic worship and the learning of Arabic or English <sup>1644</sup>.

The encrypted messaging application "Telegram" and the "Tor" program <sup>1645</sup> were also discovered.

The Dropbox application, which stores data in the cloud, was found but could not be analysed <sup>1646</sup>.

Multiple files were saved, others have been deleted.

These include 742 audio files of recitations from the Koran. A hundred of them are nasheed in German, English and French from the propaganda organs of the Islamic State. You can hear the sounds of explosions and automatic gunfire. The image of the Islamic *State* flag appears.

These audio files include the famous French nasheed "*Tends ta main*" (Reach out your hand) as well as "*I am a terrorist*" and "*ISIS Nasheed*", all three recorded on 4 February 2016 between 4.13 p.m. and 4.16 p.m. and then deleted the same day <sup>1647</sup>.

Some of the images found in this phone draw the attention : <sup>1648</sup>

For example, illustrations of the logos of Islamic *State* propaganda media, a photo of a man carrying the Islamic *State* flag, a reproduction of the Islamic *State* flag, or the photo of a man lying next to a long gun.

A photo of a gas mask is uploaded in the evening of 4 March 2016, at a time when the manufacture of TATP gave off a "*dirty smell*" <sup>1649</sup>.

Some SMS were found on the memory card of the device: thus, the SMS sent on 10 January 2016 at 2.38 p.m. by Bilal EL MAKHOUKHI to Hervé BAYINGANA MUHIRWA "*Salam can We see each other, I need you insha Allah*" <sup>1650</sup> -

<sup>1644</sup> learn Arabic for Beginners: suggesting that he may be taking courses and contradicting the statements in Police report 42297/16 (MOD 15, C13, SF2, 1) about the presence of the file 'Hervé' on the computer of "(rue) Max Roos.

<sup>1645</sup> allowing anonymous surfing on the Internet

<sup>1646</sup> Police report 36296/16 (MOD15, C11, SF2, 54D)

<sup>1647</sup> Police report 27970/16, MOD 15, C9, SF1, 25

<sup>1648</sup> Police report 27970/16, MOD 15, C9, SF1, 25

<sup>1649</sup> Police report 13027/16, MOD6, C7, SF1, 26. Mohamed ABRINI explained that "(...) *we were obliged to sleep with a mask because the smell was so strong. For my part, I slept with a T-shirt on my face*" (Police report 31211/16, MOD9, C4, SF1, 6)

<sup>1650</sup> Police report 36296/16 (MOD15, C11, SF2, 54D)

On the technical side, the investigators note that on four occasions on key dates<sup>1651</sup>, the mobile phone is reactivated after having been cut on 20 March 2016 at 8.46 p.m.<sup>1652</sup> and at 10.40 p.m., then again on 21 March 2016 at 08.00 a.m. and at 6.24p.m.<sup>1653</sup>

## 2°. The SAMSUNG GT-EI Keystone mobile phone

This mobile phone was found at Hervé BAYINGANA MUHIRWA's house on the table of the living room<sup>1654</sup>.

Only one SIM card had been inserted in this phone: it corresponds to the call number "32485870080"<sup>1655</sup>.

After being used for one week in January 2014, this phone was not used until the day after the attacks, i.e., 23 March 2016 and 24 March 2016<sup>1656</sup>.

Hervé BAYINGANA MUHIRWA initially claims that he bought this mobile phone more than two months before his arrest. However, he would not have used it before 23 March 2016 because he wanted to make "*a subscription for this mobile phone for work*"<sup>1657</sup>. He could not have ended his subscription with Proximus earlier.

## 3°. The empty box of the NOKIA RM944 MOBILE PHONE

The empty box of the NOKIA RM944 - 108 dual SIM mobile phone was also found on the living room table of Hervé BAYINGANA MUHIRWA's flat<sup>1658</sup>.

The accused denies having bought this mobile phone.

Although the telephone has not been found, the investigation did establish that it was that mobile phone that activated the SIM card "32485945025" assigned by the investigation to Bilal EL MAKHOUKHI, and solely dedicated to contacts with the number "32485870080", of which the SIM card was inserted in the mobile phone he claims to have reserved "*for work*" (see above).

According to Hervé BAYINGANA MUHIRWA, other people may have used this phone to contact the owner of the number "32485945025" of which he says he knows nothing.

## 4° The box of a NOKIA 105 mobile phone<sup>1659</sup>

This is the packaging of the phone used by Osama KRAYEM to contact his brother twice on 7 April 2016<sup>1660</sup>

The SIM card "32486388651" of 15 euros has been inserted for this purpose<sup>1661</sup>.

<sup>1651</sup> except once: 12 Aug 2015 (Police report 18263/17, MOD15, C17, 5F1, 33)

<sup>1652</sup> He switches on his mobile phone again at Bilal EL MAKHOUKHI's home and then goes to work

<sup>1653</sup> at 6.27 p.m., Hervé BAYINGANA MUHIRWA's mobile phone activates the cell covering the Max Roos flat

<sup>1654</sup> Police report 15795/16, MOD 11, C1, SF3, 6

<sup>1655</sup> Police report 33420/16 (MOD15, C11, SF2, 28)

<sup>1656</sup> Police report 38665/16 (MOD15, C12, SF2, 9)

<sup>1657</sup> Police report 42084/16, MOD 9, C4, SF2, 5

<sup>1658</sup> Police report 32741/16, MOD10, C3, SF3, 2

<sup>1659</sup> IMEI number " 35107076726706 " (Police report 018889/16, MOD4, C26, SF1, 1)

<sup>1660</sup> Police report 15631/16, MOD 15, C3, SF1, 42

<sup>1661</sup> Police report 015631/1616, MOD 15, C3, SF1, 42

Hervé BAYINGANA MUHIRWA acknowledges having purchased these items for Osama KRAYEM.

5° The packaging of a SAMSUNG Galaxy Tab tablet and a SIM card support

Finally, the packaging of a SAMSUNG Galaxy Tab tablet and a SIM card support that turns out to be the one that was inserted into this Tablet <sup>1662</sup> were seized at Hervé BAYINGANA MUHIRWA's.

The tablet was found in the accused's car when he was arrested. It contained a SIM card "32465461685".

Programmes allowing anonymous browsing (VPN master & Orweb) were downloaded on this tablet. Osama KRAYEM is the one using this tablet.

Hervé BAYINGANA MUHIRWA admits having bought this tablet for Osama KRAYEM with the money that the latter gave him <sup>1663</sup>.

A €10 reload ticket purchased on 6 April 2016 was also seized <sup>1664</sup>. The analysis of the surveillance cameras of the phone-shop KOTIAN SPRL in Laeken in which this reload was purchased on 6 April shows Hervé BAYINGANA MUHIRWA paying it in cash.

b) Hervé BAYINGANA MUHIRWA's telephone numbers

1° His main SIM card ("32486372754")

a). General information

This number is the usual number of Hervé BAYINGANA MUHIRWA <sup>1665</sup> saved under his name in his employer's documents, mentioned in his electricity contract or used to access Internet <sup>1666</sup>.

The main contacts stored in the memory of this number are his friends Majid AFKIR, Abdelmajid ADAIAF, Mouad KOUZAM, his mother, his brothers Lionel and Yves, Bilal EL MAKHOUKHI, and his uncle Innocent MTAMUHANGA <sup>1667</sup>.

This number is not stored in Bilal EL MAKHOUKHI's directory of contacts. But 82 exchanges took place between them between 4 December 2015 and 7 April 2016 <sup>1668</sup>.

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<sup>1662</sup> SIM card of "32465461685" (see above)

<sup>1663</sup> Police report 23728/16, MOD 9, C4, SF2, 4

<sup>1664</sup> Police report 15795/16, MOD 11, C1, SF3, 6

<sup>1665</sup> Police report 22029/16, MOD15, C6, SF1, 43

<sup>1667</sup> Police report 22029/16, MOD15, C6, SF1, 43

<sup>1667</sup> Forest does not appear in the pinged towers (Police report 17170/16, MOD15, C4, SF1, 30G) and cell towers of Jette appear in an undifferentiated way after 15 March 2016

<sup>1668</sup> Police report 29171/18, MOD 15, C26, SF1, 12a

b. Pinging of his telephone at the cell tower on rue Max Roos

During the rental period of the flat in “rue Max Roos”, the number of Hervé BAYINGANA MUHIRWA was activated twice on the cell of the conspiracy flat: on 15 and 21 March 2016. However, he denies having been in this flat.

On 15 March 2016, after a telephone contact with Bilal EL MAKHOUKHI, Hervé BAYINGANA MUHIRWA moved from his home to “rue Max Roos”.

At 10.53 p.m., he activates the cell covering the rear of the conspiracy flat where Osama KRAYEM claims to have been picked up to go and stay “rue du Tivoli”.

On 21 March 2016, at 6.27 p.m., Hervé BAYINGANA MUHIRWA is on the cell tower of “chaussée de Vilvoorde”, which serves the flat in “rue Max Roos”.

According to the accused, he would have dropped Mohamed ABRINI off at Schaerbeek station, not far from there.

c. The cuts in this telephone number

Just as Bilal EL MAKHOUKHI does, the investigators note that Hervé BAYINGANA MUHIRWA switches off his telephone at key moments. These cuts are all the more striking that they are “very rare”<sup>1669</sup>.

- So on 20 March 2016, Hervé refused to go to lunch with his brother, having “*something to do*” before going to work.  
Between 7.53 p.m. and 8.46 p.m., no telephone activity is recorded on the mobile phone of Hervé BAYINGANA MUHIRWA.  
Then, a telephone contact followed by a probable meeting took place between Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA, before the latter went to his work.
- On 21 March 2016, at 4.13 p.m., the mobile phone of Hervé BAYINGANA MUHIRWA pings the tower covering the home of Bilal EL MAKHOUKHI. His phone is then switched off. It is then switched on again at 6.24 p.m. while he was heading towards “rue Max Roos”, of which cell he activated at 6.24 p.m..  
Bilal EL MAKHOUKHI's phone was also disconnected between 6.31 p.m. and 8.10 p.m.<sup>1670</sup>.  
Hervé BAYINGANA MUHIRWA gave no answer to the investigators who asked him about the telephone: “*I can't tell you exactly, I don't remember what I was doing there*”<sup>1671</sup>.  
Hervé BAYINGANA MUHIRWA then moves to the “Gare du Midi” and the Stalingrad district (between 7.14 p.m. and 8.28 p.m.). He does not give any further explanation: “*In general I go there to eat or have a drink with friends. I go to Stalingrad in (the) “Tea room” on the corner. There are others, or on Lemonnier, depending on the day*”<sup>1672</sup>.

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<sup>1669</sup> Police report 18263/17 (MOD15, C17, SF1, 33)

<sup>1670</sup> Police report 17205/17 (MOD15, C18, SF1, 9)

<sup>1671</sup> Police report 29934/17; MOD9, C4, SF2, 7

<sup>1672</sup> Police report 29934/17, MOD9, C4, SF2, 7



Then Hervé BAYINGANA joins Bilal EL MAKHOUKHI at the pizzeria "Royale Pizza" near "Place Meiser". They are accompanied by one or two other guests (but the statements vary on this point).

At 9.55 p.m., Hervé BAYINGANA MUHIRWA downloaded the program "Tor" on his smartphone, about which he declared *"I don't know how to explain it, I have never used the application"* <sup>1673</sup>.

Bilal EL MAKHOUKHI confirms that *"It's possible that someone talks about this to Hervé when eating (pizza party). I don't know who it is, in any case it is not me (... because) I don't know anything about computers"* <sup>1674</sup>.

At around 11.00 or 11.30 p.m., Hervé BAYINGANA MUHIRWA returns home after probably driving Bilal EL MAKHOUKHI to his home <sup>1675</sup>.

On 3 April 2016, Hervé BAYINGANA MUHIRWA switched off his telephone from 6.55 p.m. to 8.49 p.m., just as Bilal EL MAKHOUKHI <sup>1676</sup>.

At 8.49 p.m., he pings the cell tower at Bilal EL MAKHOUKHI's home before going to work. The absence of pinged cell towers during this period makes it impossible to know what they did between 6.55 p.m. and 8.49 p.m. What is certain, however (see below), is that in the afternoon of 3 April 2016, searches were carried out on various streets in the centre of Brussels using Hervé BAYINGANA MUHIRWA's computer. No explanation is given for these searches.

But according to Osama KRAYEM, it was that evening that Hervé BAYINGANA MUHIRWA dropped him in a phone shop on avenue de Stalingrad where Osama KRAYEM logged in at 7.28 p.m. to send a message to his brother *"I sent a message so that Amine would not have any problem. (...) It was Amine who brought me there"* <sup>1611</sup>.

According to Hervé BAYINGANA MUHIRWA, the handling of his phone to turn it off would be motivated by battery problems that he regularly removes <sup>1678</sup>.

There was also a strange period of total interruption of contacts between the regular telephones of Hervé BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI between 21 March 2016 at 8.55 p.m. and 1 April 2016 at 4. 09 p.m. <sup>1679</sup>

The investigators hypothesise that Bilal EL MAKHOUKHI and Hervé BAYINGANA MUHIRWA contact each other via other numbers, such as the two new numbers "32485945025" and "32485870080" <sup>1680</sup> instead of the numbers written against the first names Imrane and Amine on the document found in "rue Max Roos" and which were never activated.

<sup>1673</sup> Police report 29934/17, MOD9, C4, SF2, 7

<sup>1674</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1675</sup> Police report 45744/17, MOD9, C6, SF1, 13

<sup>1676</sup> Hervé from 6.55 p.m. to 8.49 p.m. (Police report 9141/18, MOD15, C24, SF1, 11)

<sup>1677</sup> Police report 39139/16, MOD9, CS, 7

<sup>1678</sup> While, as a reminder, these cuts are rare (Police report 18263/17, MOD15, C17, SF1, 33)

<sup>1679</sup> Police report 29171/18, MOD 15, C26, SF1, 12a

<sup>1680</sup> Police report 016616/17, MOD15, C17, SF1, 19

d) The contacts with "foreign" or "virtual" numbers

Hervé BAYINGANA MUHIRWA's usual number is rarely contacted by foreign numbers <sup>1681</sup>:

In December 2015, Hervé BAYINGANA MUHIRWA received only 4 calls on 1, 18, 20 and 25 December 2015, from the UK, Germany (2) and Laos.

On the subject of foreign numbers, Hervé BAYINGANA MUHIRWA states :

*"I know from my knowledge that when you receive calls from a phone booth it may be a foreign number that appears. It is not automatic, but it happens"* <sup>1682</sup>.

After December 2015, he does not get any until 16 March 2016,

On that day, having just hosted Mohamed ABRINI and Osama KRAYEM, Hervé BAYINGANA MUHIRWA received between 2.21 p.m. and 2.22 p.m., the same person who tries to call him from a phone shop or with a VOIP <sup>1683</sup> software.

When asked about this Spanish number that calls him on 16 March 2016 and also calls Bilal EL MAKHOUKHI, he only states that he has no connection with Spain.

The first call he receives after this series of international calls is a call from Bilal EL MAKHOUKHI. The latter makes this call after leaving the flat in Etterbeek and goes to the flat in "rue Max Roos" <sup>1684</sup>.

After this call, Hervé BAYINGANA MUHIRWA, who was at home, switched off his telephone for almost two hours <sup>1685</sup>.

According to Osama KRAYEM's statement, it is during this period of time, between 3.08 p.m. and 5.25 p.m., that Hervé BAYINGANA MUHIRWA dropped him on "rue Max Roos", after having allowed him to spend a first night at his home.

<sup>1681</sup> Police report 712/18, MOD 15, C22, SF1, 3c

<sup>1682</sup> Police report 8941/19, MOD9, C4, SF2, 14

<sup>1683</sup> allowing to have a voice conversation from the Internet via the borrowing of a number, from an unknown communication application also using borrowed numbers, by a correspondent who would then be in Belgium.

<sup>1684</sup> Police report 712/18, MOD 15, C22, SF1, 3c

<sup>1685</sup> He pings the tower on "rue Vanderlinden" in Schaerbeek at 5.03 p.m. and 5.04 p.m. (Police report 712/18, MOD 15, C22, SF1, 3c)

## 2. The number "32488241181" <sup>1686</sup>

This number is mentioned on a copy of an accident statement form found during a search at Hervé BAYINGANA MUHIRWA's home <sup>1687</sup>. It is an Ortel prepaid card <sup>1688</sup>.

The contacts for this number are similar to those for the main number of Hervé BAYINGANA MUHIRWA.

If Bilal EL MAKHOUKHI contacts Hervé BAYINGANA MUHIRWA on his main number, he also contacts him on this second number : between 5 September 2015 and 24 January 2016, 147 communications took place <sup>1689</sup>.

But Hervé BAYINGANA MUHIRWA's main contact on "32488241181" for the period from 1 October 2015 to 7 April 2016 is Majid AFKIR (82 contacts together <sup>1690</sup>) <sup>1691</sup>.

## 3° The number "32487565354"

This is an anonymous prepaid card <sup>1692</sup> linked to the email address Herve.b.777@gmail.com <sup>1693</sup>.

This number could not be used due to the length of time that telephone operators keep their data <sup>1694</sup>.

This number appears in the list of contacts registered in Bilal EL MAKHOUKHI's mobile phone under the name "Abdel Karim " <sup>1695</sup>.

This telephone number has been known to the police for a long time <sup>1696</sup>: in a conversation dated 8 July 2013 between Hervé BAYINGANA MUHIRWA and Majid AFKIR, the former tells the latter that "MAKOUKI" called him. At that time, Bilal was in Syria <sup>1697</sup>.

Thus, we note that since 2013, Hervé BAYINGANA MUHIRWA has been in contact with many people who work in the same circle as Najim LAACHRAOUI.

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<sup>1686</sup> Police report 15795/16, MOD 11, CI, SF3, 6

<sup>1687</sup> Police report 15795/16, MOD 11, CI, SF3, 6

<sup>1688</sup> Police report 17386/16 (attached by Police report 14306/19, MOD15, C29, SF1, 9)

<sup>1689</sup> Police report 29171/18 (MOD15, C26, SF1, 12A) :

<sup>1690</sup> Police report 17386/16 (attached by Police report 14306/19, MOD15, C29, SF1, 9)

<sup>1691</sup> Police report 30035/16 (MODLO, C2, SF32, 2)

<sup>1692</sup> Police report 25041/17 (MOD15, C18, SF2, 24B)

<sup>1693</sup> created on 19 July 2014 (Police report 023886/17, MOD15, C18, SF2, 19)

<sup>1694</sup> Police report 25041/17 (MOD15, C18, SF2, 24B) and Police report 23886/17 (MOD15, C18, SF2, 19),

<sup>1695</sup> which corresponds to the name taken by Hervé BAYINGANA MUHIRWA in 2011 when he converted to Islam. See Police report 5680/20 (MOD15, C31, SF3, 32) correcting Police report 7760/19 (MOD 15, C30, SF1, 1) and Police report 17673/16 (MOD15, C4, SF2, 25)

<sup>1696</sup> It already appears in a 2013 file on the jihadist channel to Syria in which Najim LAACHRAOUI was convicted by default and in which Majid AFKIR was convicted as a leader.

<sup>1697</sup> Police report 22666/17 (MOD15, C20, SF2, 19)

It is with this number that Bilal EL MAKHOUKHI sent the SMS that he took care to erase afterwards "*Salam AYLEKOUM tries debar mohamed's number it's important I've got the other ones incha Allah*".

4° The number "32485870080".

According to the police investigations, this (anonymous) SIM card would have been sold on 8 March 2016 by a company from Liege, the SPRL "NEMO services".<sup>1698</sup>

This number is only used from 23 March 2016 to 31 March 2016 in the mobile phone SAMSUNG GT-El Keystone found at Hervé BAYINGANA MUHIRWA's home

Apart from a contact with a technical number and a call dialled to the company SODEXO<sup>1699</sup>, this number "32485870080" only has contacts with the call number "32485945025" that the investigation attributes to Bilal EL MAKHOUKHI (see above).

14 calls were made with this telephone, including 10 to the number "32485945025" on 23 and 24 March 2016 only<sup>1700</sup>. The first call from "32485945025" to the number "32485870080" used by Hervé BAYINGANA MUHIRWA took place on 23 March 2016 at 3.45 p.m. (duration 23 seconds).

Hervé admits that he only used this number to contact SODEXO to find out how much credit he had on his meal card and because he had no credit left on his old number.

He says he does not know who owns the number "32485945025"<sup>1701</sup>

The fact that this number was only used from the day after the attacks would only be due to chance and is in no way the consequence of the discovery of the numbers found in the conspiracy flat in "rue Max Roos".

Hervé BAYINGANA MUHIRWA says that having two phone numbers has the advantage of having one card with a subscription, and another card without a subscription. Thus, he would "*always be reachable in case I am called back (by my employer)*"<sup>1702</sup>.

The use of the other card could also be explained by the fact that he had no more credit.

<sup>1698</sup> Police report 36933/17 (MOD 15, C20, SF2, 13a). But Hervé BAYINGANA MUHIRWA finally admitted to the investigators that he had never been to Liege, and that he had finally bought this SIM card "32485870080" in a shop in his neighbourhood, "rue Marie-Christine" in Laeken (Police report 37910/17, MOD9, C4, SF2, 8)

<sup>1699</sup> Police report 38665/16 (MOD15, C12, SF2, 9). There are also contacts with unidentified technical numbers (Police report 34815/16, MOD 15, C11, SF2, 49)

<sup>1700</sup> Police report 33420/16 (MOD15, C11, SF2, 28)

<sup>1701</sup> Police report 42084/16, MOD 9, C4, SF2, 5. He also admitted in an earlier hearing that it was "possible" that he used this SIM card "32485870080" (Police report 42084/16, MOD 9, C4, SF2, 5)

<sup>1702</sup> Police report summary interview of the IJ of 29 September 2017, MOD 9, C4, SF2, 12

Remark of the sworn translator : debar : "word" that does not exist in French and the meaning of the whole sentence is difficult to understand and therefore to be translated properly into English.



**4 Hervé BAYINGANA MUHIRWA's DNA has been found in the conspiracy flat located on rue Max Roos.**

Hervé BAYINGANA MUHIRWA's DNA has been found in the flat on the two cotton wool pieces of a plastic cotton bud <sup>1703</sup> mixed with Mohamed ABRINI's DNA <sup>1704</sup>.

In response to the accused's denials, and in order to ensure that it was not a cotton swab inadvertently brought by Mohamed ABRINI from "rue du Tivoli" to "rue Max Roos", a second search of Hervé BAYINGANA MUHIRWA's house took place <sup>1705</sup>:

These cotton buds do not match: the cotton buds found in "rue du Tivoli" have wooden stems, whereas the one found in the kitchen bin in "rue Max Roos" has a plastic stem.

According to Hervé BAYINGANA MUHIRWA, the presence of his DNA on this cotton bud could be explained by a contamination via the earphones he gave to Mohamed ABRINI:

*"After consideration, I remembered that Abrini was using a computer on which there were headphones which he used and so did I. Afterwards, when he left, there was also another pair of headphones on the living room table. He asked me if he could take these headphones and I gave them to him. He left with them, that is my only explanation for this DNA transfer, I could never use a cotton bud that someone else used. I never ever set foot in the Max Roos flat"* <sup>1706</sup>

But the analysis of the earphones found in both rue Max Roos and rue du Tivoli contradicts this explanation <sup>1707</sup> :

Hervé BAYINGANA MUHIRWA's DNA has not been found on the headphones in the flat in "rue Max Roos" and ABRINI's DNA has not been found either on the headphones seized in "rue du Tivoli" <sup>1708</sup>.

<sup>1703</sup> In "rue Max Roos", the used cotton bud was found in an abandoned bin in the hallway of the flat (labelled A22 by the LPTS (Laboratory of the Scientific Technical Police)), 3 cotton buds were found in the bedroom (labelled D45) and a box of Zeeman brand (plastic) cotton buds was found on the bathroom windowsill (labelled F5). Only the first cotton bud was subjected to DNA analysis. The two samples analysed ("A4-AF676" and "04- AG904") correspond to the two pieces of cotton wool.

<sup>1704</sup> The expert report which includes all the DNA data of Max ROOS bears number 17/1070 (MOD7, C3, SF11. 4).

<sup>1705</sup> Police report 23989/16 (MOD11, C1, SF16, 1)

<sup>1706</sup> Police report 42084/16, MOD 9, C4, SF2, 5

<sup>1707</sup> Police report 43149/16, MOD 15, C 12, SF2, 40

<sup>1708</sup> Police report 43149/16 (MOD15, C12, SF2, 40)

## 5. Exploitation of Hervé BAYINGANA MUHIRWA's LENOVO Thinkpad laptop <sup>1709</sup>

This LENOVO PC<sup>1710</sup> has mainly been used by Hervé BAYINGANA MUHIRWA since 27 February 2013, but also by Osama KRAYEM and Mohamed ABRINI between 22 March 2016<sup>1711</sup> and 8 April 2016<sup>1712</sup>.

Hervé BAYINGANA MUHIRWA claims that Najim LAACHRAOUI<sup>1713</sup> would also have come to his house. On this occasion, he would have used his computer "behind his back" to connect the USB stick (Kingston Data Traveller 2.0)<sup>1714</sup>.

Four email addresses belonging to Hervé BAYINGANA MUHIRWA have been identified <sup>1715</sup>.

During the period preceding the Brussels attacks, this computer was mainly used to consult and download documents (audio, video, ...) related to the terrorist group *Islamic State*, Al Qaeda and radical Islam in general : images, texts, publications, songs, preaching, recitations, or videos of armed combat are included in both the deleted and active files.

Several specific searches have been carried out on regarding the Paris and Brussels attacks and their perpetrators, as well as on the progress of the investigations.

Numerous professional images and videos published by *Islamic State* are consulted <sup>1716</sup>. These are propaganda images and videos of executions, fights, speeches, songs, cries ..., in French as well as in Arabic. These consultations were carried out both before and after the Paris attacks.

Several religious songs specific to the *Islamic state* are being looked for and downloaded <sup>1717</sup>.

During the night of 23 to 24 February 2016, while not working, Hervé BAYINGANA MUHIRWA consulted a propaganda video of the *Islamic State* on the situation in Libya

<sup>1709</sup> Police report 15409/17 (MOD 15, C19, SF1, 7n), Police report 016079/16 (MOD15, C3, SF1, 71), Police report 6227/17 (MOD15, C16, SF1, 5) and Police report 34020/17 (MOD 15, C20, SF1, 32c)

<sup>1710</sup> The computer was reported stolen on the night of 31 December 2012 (Police report 16079/16, MOD15, C3, SF1, 71)

<sup>1711</sup> Several cookies from Swedish websites have been stored on the computer from 22 March 2016 (Police report 37420/17, MOD15, C20, SF1, 32C)

<sup>1712</sup> Police report 37420/17 (MOD15, C20, SF1, 32C)

<sup>1713</sup> Made up, wearing glasses and a Peruvian cap.

<sup>1714</sup> which was also connected to the computer in rue Dries and to the one in rue Max Roos

<sup>1715</sup> including onizuka.e.777@gmail.com: 'onizuka' is known to be the eBay ID (Police report 026911/17, MOD15, C19, SF1, 3) and YouTube ID (Police report 042084/16, MOD9, C4, SF2, 5) of Hervé BAYINGANA MUHIRWA.

On his Onizuka YouTube account, Hervé BAYINGANA MUHIRWA says he shared a documentary on Islam called "Empire of Islam". He says it was the only thing he shared on YouTube, "*it was my way of addressing people and presenting them a historical documentary to present them islam*" (hearing Police report 42084/16, MOD9, C4, SF2, 5). This documentary has never been found.

<sup>1716</sup> A great part (33 GB) of the files consulted was then deleted.

<sup>1717</sup> such as "mashed dawla" and "nasheed jihad 2015" (2 September 2015), "Nasheed - hold your hand out for allegiance" (29 December 2015) or the "Nasheed kill them wherever you find them" (22 February 2016) (Police report 15409/17, MOD 15, C19, SF1, 7n).



On 15 March 2016, the day of the police intervention in “rue du Dries”, Hervé BAYINGANA MUHIRWA consulted on the propaganda tool “flames of war” scenes of killing of Islamic state prisoners.

Among the deleted images there are pictures of Salah ABDESLAM, Mohamed ABRINI (including photos of his escape route from Zaventem on 22 March 2016), ABAAOUD, Khalid EL BAKRAOUI, Ibrahim EL BAKRAOUI, LAACHRAOUI, Mohamed BELKAID (the one published in the press), an image from a RTBF programme on the Brussels attacks, ...

The garage search on the Immoweb site draws the attention of the investigators, but it cannot be dated. The URL link leads to the home page of the site for the search for a garage and therefore does not designate any particular garage.

Hervé BAYINGANA MUHIRWA cannot explain the reason for this search: he does not need a garage for his car.

On 2 April 2016, searches on “avenue des Casernes” and “La Chasse area” in Etterbeek were made on the computer. Mohamed ABRINI and Osama KRAYEM are hosted by Hervé BAYINGANA MUHIRWA at this date.

The next day, 3 April 2016, searches for streets in the city centre of Brussels are carried out on his computer between 4.25 p.m. and 4.37 p.m.<sup>1718</sup>. These streets are mainly concentrated in the area where Osama KRAYEM went to use the Internet in a cybercafé to contact his brother<sup>1719</sup>.

On 5 April 2016, Hervé BAYINGANA MUHIRWA ordered a cap, low top trainers, and a sweet shirt size XL<sup>1720</sup> on the ZALANDO website. These purchases are made for Osama KRAYEM<sup>1721</sup>. He is also looking for a backpack for the latter<sup>1722</sup>.

Hervé BAYINGANA MUHIRWA also carries out searches on the SAMSUNG tablets<sup>1723</sup>, on the “Tor” program and on videos that explain how this program works (also found in the PCs “Max Roos” and “Dries”)<sup>1724</sup>.

Finally, we note that Osama KRAYEM consulted the Swedish press on this computer.

#### **6. USB sticks connected to Hervé BAYINGANA MUHIRWA's computer**

Several external media (USB sticks, iPod, Scan, etc.) were connected to Hervé BAYINGANA MUHIRWA's computer<sup>1725</sup>.

<sup>1718</sup> Police report 34020/17 (MOD15, C20, SF1, 32C)

<sup>1719</sup> Police report 7834/18 (MOD 15, C23, SF1, SA) and Police report 9141/18 (MOD15, C24, SF1, 11)

<sup>1720</sup> Police report 23074/16 (MOD10, CS, SF6, 3)

<sup>1721</sup> Police report 15728/16, MOD 9, C4, SF2, 1

<sup>1722</sup> Police report Summary interview IJ of 29 September 2017, MOD 9, C4, SF2, 12

<sup>1723</sup> And we know that on 6 April 2016, he bought one for Osama KRAYEM

<sup>1724</sup> Police report 15409/17, MOD 15, C19, SF1, 7n

<sup>1725</sup> Police report 016079/16 (MOD15, C3, SF1, 71)

Some tend to confirm the close link between Hervé BAYINGANA MUHIRWA and the cell responsible for the Brussels attacks.

a. Kingston DataTraveler 2.0 USB Device<sup>1726</sup>

This USB stick was connected to Hervé BAYINGANA MUHIRWA's P.C. on one occasion on 17 March 2016 at 2.04 p.m.. It has not been found and its content is unknown.

According to Hervé BAYINGANA MUHIRWA, Najim LAACHRAOUI may have used it when he came to his house *"two or three days before he brought me Abrini and Krayem"*<sup>1727</sup>

This USB stick was connected on several occasions to the computer of "rue Max Roos" between 29 November 2015 and 23 January 2016. It was also connected to the laptop found in "rue du Dries" on 5 December 2016 at 9.09 p.m..

It is known that the cell communicated between the hideouts and with Syria using USB sticks. What is not known is the content of the information communicated via the USB stick.

b. The SANDISK CRUZER USB stick<sup>1728</sup>

This black USB stick was found at Hervé BAYINGANA MUHIRWA's home. It was connected for the first time on 3 November 2015 and for the last time on 31 March 2016 at 7.44 p.m. on his LENOVO Thinkpad computer.

The only file that is present is the movie "Jurassic World" downloaded on 27 September 2015. On the other hand, many deleted files could be recovered :

49 audio files are "anasheed" type songs (some edited in December 2015), propaganda songs glorifying the Islamic State and jihadist fighters that contribute to indoctrination.

Some of these files are stamped with the logo of the Islamic State's media arm<sup>1729</sup>. The vast majority of the anasheeds are in Arabic but some are also in French. Two of these audio files in French are worth mentioning :

:

- The first one: "000012.3gp", glorifies the creation of the Caliphate, and encourages to join *the Islamic state*
- The second: "for love", glorifies death as a martyr in the name of Allah

**"Je jure avoir rempli ma mission en honneur et conscience, avec exactitude et probité"**

Pour traduction conforme et ne varietur de la langue *française*  
vers la langue *anglaise*  
Fait à *Louvain*, le *13 juillet 2017*  
Numéro d'identification : **VTI 2148245**

**Nathalie CAYMAN**  
**Traducteur-Interprète juré**



<sup>1726</sup> Police report 36353/17 (MOD15, C20, SF2, 9)

<sup>1727</sup> Police report 37910/17 (MOD9, C4, SF2, 8). This USB stick is connected at 2.04 p.m. However, on that day, between 12.50 and 01.00 p.m., Najim LAACHRAOUI was seen on the surveillance cameras of the CAPITANI shop in Schaerbeek when he was buying electrical supplies.

<sup>1728</sup> Police report 15832/16, MOD15, C3, SF1, 60

<sup>1729</sup> Alhayat Media Center

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-01-01 BY 60322

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-01-01 BY 60322

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-01-01 BY 60322



This USB key belongs to Yannick GUSENGA, cousin of Herve BAYINGANA MUHIRWA<sup>1730</sup>.

#### **D -STATEMENT OF HERVE BAYINGANA MUHIRWA**

##### **1. About his personal beliefs**

Reluctant to address the issue of his conversion during his first hearing<sup>1731</sup>, Herve BAYINGANA MUHIRWA later explained it in these terms

*"I came across a three-part TV documentary on the net: Islam, /The Empire of Joy by "Planete plus". It interested me and I continued to watch videos on the Internet.*

*After that I saw a documentary on a book by Maurice Bucail entitled "la bible, le coran et la science", in which he made a parallel that the Koran never contradicts science, I got a Koran in French from a friend Abdelmajid Afkir.*

*While reading the Koran, I realized that Islam is a continuation of Christianity and the monotheistic religions. I converted around April 2011, five months after seeing the documentary "Planet Plus".*

*I would point out that my friends were already mostly Muslims (...)*

*I attended (Arabic) classes at the Grand Mosque but I had to stop the course, I was late in registering and had problems. (...)*

*I can read, but only to a limited extent, Arabic, I can decipher but I can't have a conversation in Arabic. I have not taken any religious courses"<sup>1732</sup> -*

He confirmed these elements before the investigating judge on 29 September 2017:

*"I didn't really study Islam, I did research on the Internet and sometimes I asked my friends, Abdelmajid AFI<IR or Abdelmajid ADAIAF who could help me (...).*

*I converted in March 2011 (...). I made it official in front of the Imam (...) with both Abdelmajid, I went to the mosque when I could because I was working. I used to go to the mosque when I could because I was working. At the beginning, I used to go to the Neder-Over-Hembeek Mosque, the mosque near my home (...) When I moved to Laeken, there was a mosque just in front of my house, the EL MOUAHIDINE mosque, but I used to go there when I could, it was difficult"<sup>1733</sup> -*

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<sup>1730</sup> PV 37910/17 (MOD9, C4, SF2, 8) PV 39533/17 (MOD9, C3, SFI, 2) PV 42415/17 (MOD9, C3, SFI, 22)

<sup>1731</sup> PV 15728/16, MOD 9, C4, SF2, 1

<sup>1732</sup> PV 23728/16, MOD9, C4, SF2, 4

<sup>1733</sup> PV interview JI, MOD9, C4, SF2, 12

He said that he read the literature found in bookshops about the Companions and the Prophet, always in French. The various books found in his house, such as "Le Jardin des Vertueux (the Gardens of the Virtuous)", are said to belong to KRAYEM and ABRINI.

After claiming that he did not know anyone around him who had gone to fight in Syria, he then admitted that he knew people who were radicalized.

But, he insists, he already knew them before his conversion.

He later admitted that "almost all" of his friends in Schaerbeek<sup>1734</sup> had been involved in terrorism-related cases. However, he clarifies, "for me there is a difference between going to Syria and carrying out attacks "<sup>1735</sup>.

*"You ask me what it was like when my friends left. They left in 2013-2014 and at that time we didn't know all these groups, we had to defend the widow and the orphan. It wasn't just to give military aid but some of them went just to do humanitarian work, most of them actually, but I think it was after they got there that they realized that they had to take up arms"*<sup>1736</sup> -

Herve BAYINGANA MUHIRWA is interested in many different subjects including Daesh or jihad, which explains the targeted documentation found in his computer<sup>1737</sup>. His research began before 2015 following the departure of some of his friends to Syria. He had also already done some research on an old computer that he sold to a friend<sup>1738</sup>.

He says he does not share the ideas of the Islamic State.

*"What I saw, I did not support"*<sup>1739</sup> -

*"Nothing can justify attacking civilians, innocent people. You ask me if I condemn any form of attack and I say yes. What the Islamic State is doing there in Iraq or here, I don't agree with (...)*

*At the end of the day, these are people who advocate violence and that is not Islam, like burning people, it's a terrorist enterprise, that's how I see these people and the worst thing is that they do it in the name of Islam.*

*I have never heard of people being burned in the name of Islam, nor in the name of any religion. I have never heard of people being burned in the name of Islam, nor in the name of any religion.*<sup>1740</sup> -

He explains the research of nasheeds<sup>1741</sup> carried out after the Paris attacks:

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<sup>1734</sup> AFKIR, EL IDRISSE, KADDOURI, LAACHRAOUI, ...

<sup>1735</sup> PV interview JI, MOD9, C4, SF2, 12

<sup>1736</sup> PV interview JI, MOD9, C4, SF2, 12

<sup>1737</sup> PV interrogation JI of 9 April 2016, MOD 9, C4, SF2, 3

<sup>1738</sup> PV 37910/17 (MOD9, C4, SF2, 8)

<sup>1739</sup> PV 42084/16, MOD9, C4, SF2, 5

<sup>1740</sup> PV interview JI, MOD9, C4, SF2, 12

1741 Like "stretch out your hand in allegiance", "kill them wherever you find them", ...



*"I had read an article on the attacks where this video was mentioned. I made a copy-paste of it and found it"*<sup>1742</sup>.

Other interesting searches are done on his computer, using the words "carotid artery slice" or "jugular vein". They would only concern, he says, sheep sacrifices<sup>1743</sup>.

*"I have never done research to see people being slaughtered"*<sup>1744</sup>.

He admits to having watched the video of the Jordanian pilot being burnt alive to see if it was real, and to compare with other media.

*"I also watched videos of everyday life there, with children. I was also watching to see if there were any friends of mine (...) Just because I watch these videos doesn't mean I want to do the same thing"*<sup>1745</sup>.

As for the research done on "Libya", the definition of "jailer", "tapped mobile phone" or about "Amine" or "El Amine," he replies: *"I don't know what to tell you. Maybe it's me or a friend"*<sup>1746</sup>. The ones he remembers were only made, he claims, for documentary purposes: *"First of all, I'm looking to see for myself to confirm what I thought"*<sup>1747</sup>.

However, when confronted with the jihadist documentation in his phone, Herve claims that it belongs to the previous owner<sup>1748</sup>.

During his hearing on 2 June 2016<sup>1749</sup>, Herve BAYINGANA MUHIRWA denied having made allegiance to the terrorist group Islamic State.

Herve BAYINGANA MUHIRWA declares<sup>1750</sup> that he does not accept that attacks against civilians are committed, neither in Iraq nor here.

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<sup>1742</sup> PV 37910/17, MOD9, C4, SF2, 8

<sup>1743</sup> PV 34020/17 (MOD15, C20, SFI, 32C) His computer should show evidence of searches for 'ritual slaughter' or 'sacrifice', but it does not. In addition, Aid El Kebir, a festival during which sheep are slaughtered, takes place on 24 September 2015 and not in May 2015, when he conducts his search (PV39008/17, MOD15, C20, SF3, 1B).

<sup>1744</sup> PV interview JI, MOD9, C4, SF2, 12

<sup>1745</sup> PV 008212/17, MOD9, C4, SF2, 6

<sup>1746</sup> PV 37910/17, MOD9, C4, SF2, 8

<sup>1747</sup> PV 37910/17, MOD9, C4, SF2, 8

<sup>1748</sup> PV 42084/16, MOD 9, C4, SF2, 5

<sup>1749</sup> PV 23728/16, MOD 9, C4, SF2, 4

<sup>1750</sup> Summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

He describes the members of Sharia4Belgium as marginal and his friend AFIKIR as a non-rigorous Muslim. He denies knowing the EL BAKRAOUI brothers<sup>1751</sup>.

The people he met did not seem radical to him. Only one sentence, pronounced by KRAYEM, made him think: *"If there are 32 dead, we make a big deal out of it for 32 people whereas in Syria there are dead every day"*<sup>1752</sup>.

On 22 March 2016, on the picture of the three people pushing the trolleys at the airport he recognized LAACHRAOUI and made the link with the attacks. On the attacks, he said:

*"I do not approve these kinds of acts, what I have learned from Islam in mosques, the jihad that I was taught is jihad against oneself and being a good son with one's mother which the Prophet teaches, and blowing oneself up in front of innocent and armed people, I don't understand that.*

*I come from a country that has been through war, Rwanda, I don't want anyone to go through this.*

*Until the last minute, before Krayem and Abrini left my home before the attacks, I never knew what they wanted to do"*<sup>1753</sup>.

*"I condemn these acts but at the time I don't think about them. I am still in shock from the attacks but also from knowing a perpetrator"*<sup>1754</sup>.

Finally, he offered his condolences to the victims and asked that no confusion be made with all Muslims.

*"I don't have any lesson to give but all Muslims are not like this, it's a minority of people who commit this kind of act moreover in the name of Islam but it's not that."*<sup>1755</sup>

He declares that it was without his knowledge, and foolishly by LAACHRAOUI, that he took part in <sup>1756</sup>.

## **2. On the evening of 15 March 2016**

Herve BAYINGANA MUHIRWA states that he did not go to Max Roos Street to look for ABRINI and KRAYEM on the evening of 15 March 2016, nor did he drive the latter back the next day<sup>1757</sup>.

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<sup>1751</sup> Summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

<sup>1752</sup> PV interview JI, MOD9, C4, SF2, 12

<sup>1753</sup> PV 42084/16, MOD 9, C4, SF2, 5

<sup>1754</sup> PV 29934/17, MOD9, C4, SF2, 7

<sup>1755</sup> EM's summary examination report of 29 September 2017, MOD 9, C4, SF

<sup>1756</sup> EM's summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

<sup>1757</sup> PV 29934/17, MOD9, C4, SF2, 7



He indicated that he had gone for a walk with Bilal EL MAKHOUKHI on the evening of 15 March. His electronic bracelet had just been removed.

*"That day, we wandered through the neighborhood as a habit. {...}. I never obeyed Bilal, nothing at all, sometimes I did him favors; like taking him to the doctor, it's a favour like that, he is a friend"<sup>1758</sup> -*

Confronted with the telephone call of 15 March, which allows us to affirm that he was on the mast of the flat in Max Roos Street, he explains<sup>1759</sup> :

*"I could be passing by because I have friends near the station in Schaerbeek. Afkir Abdelmajid's mother lives in this neighbourhood, so I could drop by to pick him up. There is also Markab Fairal, whose house I go to in Haeren, so I had to go through this neighbourhood"<sup>1760</sup> .*

Herve BAYINGANA MUHIRWA claims to have only known about the existence of the flat in rue Max Roos via the media and to have never been there.

### **3. On the evening of 21 March 2016**

Before the examining Magistrate on 9 April 2016, Herve BAYINGANA MUHIRWA declares:

*"The day of the attacks I went home, I had worked that day from 9.15pm to 7.15am. I work 15 minutes away from home by car. When I woke up, I saw on my mobile phone a lot of notifications about the attacks in Brussels. I immediately turned on the TV and was shocked because I was so close to the attacks and the media was saying that it was forbidden to go out, so I thought it was going to happen again and I called my friends to say that I was fine and relatives also called me"<sup>1761</sup>.*

But the investigation establishes that he did not work that day. He then explains that he does not remember:

*"I had to be out, to see maybe some friends. I slept at home. I'm not a homebody, I had to go out"<sup>1762</sup> .*

He indicates that he dropped Mohamed ABRINI off at Schaerbeek station on 21 March 2016, which would explain why he is standing at 6.27 pm on the mast serving Max Roos Street. 27 on the mast that serves the Max Roos street.

Herve BAYINGANA MUHIRWA does not remember the 21 March evening with any accuracy.

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<sup>1758</sup> PV interview JI, MOD9, C4, SF2, 12

<sup>1759</sup> PV 008212/17 MOD9, C4, SF2, 6

<sup>1760</sup> However, the telephone calls to Herve BANIYANGA MUHIRWA's number show that he rarely goes to the mast on Max Roos Street, and that for the period from 9 to 26 March 2016, he had no telephone contact with AFKIR and he never stopped at the mast at MARKAB's home (PV 17127/17, MOD 15, C 18, SF 1, 8)<sup>1761</sup>  
interrogation EM, MOD9, C4, SF2, 3

1762 report 008212/17 MOD9, C4, SF2, 6

It is possible that he was then close to the South Station as his telephone number indicates:

*"I go to Stalingrad, "Salon de thé" on the corner. There are others, or on Lemonnier, depending on the day. (...)*

*Yes, I frequent this area regularly. It also depends on my work, my schedule. (...) I have never carried weapons, there have never been any in my house. Abrini must know this"<sup>1763</sup>.*

It seems possible that he was eating pizza in the restaurant "Royale Pizza" near Meiser Square with Bilal EL MAIKHOUKHI. This is common among friends. Usually it is with Bilal, Majid AFKIR and Majid ADAIAF that they meet there.

He cannot explain why he downloaded the "Tor" program on that very evening, when a message, recorded on 21 March 2016 by LAACHRAOUI, referring to the program, was found in the "P.C. of the rue Max Roos" and specifying that Abou Imrane had been told how to communicate in a secure manner.

*"I downloaded the program on the spot when I was told about it but I don't know who told me about it"<sup>1764</sup>.*

He recognizes only one thing: to have done a service to LAACHRAOUI. No one gave him an order to carry out.

#### **4. About Osama KRAYEM**

When asked for the first time about the person he was arrested with, Herve BAYINGANA tries to escape from reality:

*"It's a person that I had taken in once. About a fortnight ago I was walking down the street in my neighbourhood and I met this person who asked me to put him up because he was a Muslim. It was at the exit of the mosque, right in front of my house. The individual simply told me that he didn't know where to sleep, gave me no further explanation and I allowed him to sleep at my place.*

*I had never seen him before. He told me his name was Omar, that's all.*

*I didn't ask him his nationality, he did not know French, we spoke in English. (...) (...) On interpellation: I don't think he is from Belgium.*

*I don't know anything about his private life, he has never spoken to me about it (...) Omar stayed at home, he would go out to the neighbourhood, have a coffee, and then come back. I never went with him. I don't know which cafe he went to in the Bockstael area. He paid me in cash, once fifty euros, a second time maybe*

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<sup>1763</sup> PV 29934/17 MOD9, C4, SF2, 7

<sup>1764</sup> PV 29934/17, MOD9, C4, SF2, 7



*20 euros. Omar ate with me at home, we did not go out to eat.*

*On inquiry, I never saw him make a phone call in my presence: I don't know if he had contact with friends or family. He used my computer but not my phone.*

*On interpellation, I don't know what he did on my computer*

Herve BAYINGANA MUHIRWA said he was surprised to learn that it was Osama KRAYEM, who was involved in the attacks of 22 March 2016: *"I did not know. That's all".*<sup>1766</sup> And he does not mention Mohamed ABRINI.

During his second interview, he said that Omar was accompanied by a man. They were always together, both slept on the sofa, came and went at the same time around 20 March.

*"I had a quick chat with them about the attacks in Brussels, I said that it was chaos and that they were not allowing people to go out. They were going in the same direction as I was" 1767.*

Asked whether these two people could have participated in the Paris and Brussels attacks, he replied:

*"I don't know at all".*<sup>1768</sup>

Omar stayed at home three or four days before the attacks and then a few days afterwards, he told the examining magistrate<sup>1769</sup>.

*"I found him normal. There was nothing unusual about his behaviour. He had nothing on him, no luggage. He just had a cap on, no fake beard or wig.*

*I recognized him at the door, he had already come before the attacks (...).*

*There is only one key and I have it. They could get out I think, but they couldn't get in without the key (...).*

*I went shopping they ate what was there. I think they gave me about 100 euros to thank me for hosting them. I accepted the money"*<sup>1770</sup>.

While he initially claimed that he had picked up Osama KRAYEM and Mohamed ABRINI at the exit of a mosque before the attacks, he is now back on his explanations :

*"They come to my house with Najim with plastic bags. The night had fallen, it must have been 19.00hrs and around 19/20 March. Najim told me that*

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<sup>1765</sup> PV 15728/16, MOD9, C4, SF2, 1

<sup>1766</sup> PV 15728/16, MOD9, C4, SF2, 1

<sup>1767</sup> PV 15805/16, MOD9, C4, SF2, 2

<sup>1768</sup> PV 15805/16, MOD9, C4, SF2, 2

<sup>1769</sup> PV interview JI, MOD9, C4, SF2, 3

<sup>1770</sup> PV 23728/16, MOD9, C4, SF2, 4

*he has no room to host these people and asks me to host them for two to three days. They came home, I didn't know they were wanted"*<sup>1771</sup> -

Then he tempered:

*"I don't remember the dates. But I place the arrival of Abrini and Krayem both together in the evening of 18/03/2016. They arrived directly at my house with Najim LAACHRAOUI. ( . . . )*

*"I assure you that when they are in front of me, they are not in a panic at all. Right after Najim's departure, they put themselves directly at ease. They ask me where they can settle down, where they can sleep. They open their PC, get really relaxed, ask to do their ablutions because they have to pray etc... they are really quiet, not stressed at all. They are not on alert, not on the defensive. Even Najim, he wasn't in a panic, he was always calm and composed.*

*It is never mentioned that they have just lost a close friend [BELKAID]"*<sup>1772</sup> .

Despite statements to the contrary by KRAYEM that Amine came to pick them up at the corner of Max Roos Street on the evening of 15 March 2016, Herve BANIYANGA MUHIRWA denies having gone to Max Roos Street.

He asked for a confrontation with them, but the accused refused.

Confronted with the telephone which confirms the declarations of Osama KRAYEM<sup>1773</sup> , Herve BAYINGANA MUHIRWA persists in saying that he has not been reconducted KRAYEM on request from Bilal EL MAKHOUKHI.

KRAYEM is said to have left alone after a discussion in Arabic with ABRINI. According to the latter, he would have found accommodation elsewhere.

After the attacks, when ABRINI and KRAYEM returned home, Herve BAYINGANA MUHIRWA had made the link with LAACHRAOUI and the attacks.

He says he is *"shocked (...), tetanized, (...) not knowing what to do"*<sup>1774</sup> -

He would have asked them to leave his home as soon as possible while they, in panic, would have insisted.

*"They are gone but kept coming back saying it would be the last time. With these people coming back, I panicked and said to myself that if I did them one last favor they would never come back"*<sup>1775</sup> -

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<sup>1771</sup> PV 42084/16, MOD9, C4, SF2, 5

<sup>1772</sup> PV 8941/19, MOD 9, C4, SF2, 14

<sup>1773</sup> PV 9183/18, MOD9, C4, SF2, 13

<sup>1774</sup> PV interview JI, MOD9, C4, SF2, 12    <sup>1775</sup> PV 42084/16, MOD 9, C4, SF2, 5

*"ABRINI was in shock, unlike KRAYEM who seemed at ease as if he was unaffected.*

*"Krayem was 'zen', he spoke in English and asked to stay a few days before he left. (...) I understood without him saying it that he is linked to the attacks (because) I was watching TV, I saw Najim's photo and I made the link. I was in shock, because I had seen them a few days before (...) (KRAYEM) told me that he was going to do the attacks with /their others and that he turned back (...) I thought of myself instead of calling /the police ( ... ) I insisted that he leave, I told him that he was going to bring me problems. By he insisted so much to stay for a night or two, I gave in"1777 .*

He would then have accepted that they stay at his place for one or two nights but would have done everything to make them leave:

*"I didn't want to be arrested with these people, I wanted to get rid of them until April 8. They came back and then left again. I had the hope that they would not come back "1778,*

Herve BAYINGANA MUHIRWA claims to have bought a tablet with headphones and a phone for Osama KRAYEM on 6 April, with his money and at the request of the latter.<sup>1779</sup> .

The backpack requested from his cousin was meant to hold Osama KRAYEM's belongings, which were only in plastic bags.

On 13 October 2016, Herve backtracked on his statements about the way he welcomed KRAYEM and ABRINI and said

*"It was Najim Laachraoui who brought them to my house. As far as I remember, it was two days before 22 March (...)*

*Krayem stayed at my house for one night before leaving the day after he came. He never came back before the attacks. I don't know how he got there.*

The first time he saw the KRAYEM, the latter was "not wearing a plaster, but had a red stain on his face"<sup>1781</sup> .

During the summary interview, Herve BAYINGANA MUHIRWA explains that he lied about Osama KRAYEM during his arrest:

*"It was out of pure egoism and fear because I was afraid to take on the responsibility of helping terrorists, it was as if I had helped them to escape"1782 .*

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<sup>1776</sup> EM's summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

<sup>1777</sup> PV 29934/17, MOD9, C4, SF2, 7

<sup>1778</sup> PV 29934/17, MOD9, C4, SF2, 7

<sup>1779</sup> PV 23728/16, MOD 9, C4, SF2, 4

<sup>1780</sup> PV 42084/16, MOD 9, C4, SF2, 5

<sup>1781</sup> EM's summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

<sup>1782</sup> EM's summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

Herve BAYINGANA MUHIRWA says he dropped Osama KRAYEM off in the South district the day before their arrest, and then went looking for him.

He claims that Bilal EL MAKHOUKHI played no role in Osama KRAYEM being taken to the shelter near the Atomium to spend the night.

On the day of his arrest, he was driving Osama KRAYEM in the area of the Gare du Midi, at his request, while he himself wanted to buy a hoover<sup>1783</sup>.

## 5. About Mohamed ABRINI

Herve BAYINGANA MUHIRWA does not immediately mention Mohamed ABRINI.

Confronted with an observation of his home during which Mohamed ABRINI was seen arriving at his home, he replied:

*"Omar was accompanied by another man the first time he came (...) He introduced himself with the name Yahya (...). He wanted me to host him too. Both wanted to be hosted. I accepted. (...) They came out of the Muwahidin Mosque in front of my house and asked me (...) around the 20th of March. (...) I didn't know it was Abrini, he didn't have any make-up or anything. He didn't look like the photo published by the media"*<sup>1784</sup>

He saw him wearing either a wig with long hair or a cap.

His hosts spoke Arabic to each other, a language that Herve BAYINGANA MUHIRWA would not understand. They both watched television or used his computer.

*"Abrini asked me to buy clothes from a list. He asked me because I was getting ready to go out. It happened the first time he came (...).*

*On interpellation, I did not ask why I needed glasses. I didn't ask the question. (...) I didn't know these people; they didn't say anything to me when they left my house. I am a generous person, my name means "generous"*<sup>1785</sup> -

*"Abrini stayed with me for two nights before leaving and I only saw him again after the attacks"*<sup>1786</sup>.

Mohamed ABRINI intended to leave a few days later. Herve BAYINGANA MUHIRWA drove him back to Schaerbeek station either on 20 or 21 March with his belongings.

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<sup>1783</sup> PV 42084/16, MOD 9, C4, SF2, 5

<sup>1784</sup> PV 15805/16, MOD15, C18, SFI, 9

<sup>1785</sup> PV 23728/16, MOD9, C4, SF2, 4

<sup>1786</sup> PV 42084/16, MOD 9, C4, SF2, 5

The search on the website Yabiladi.com<sup>1787</sup> is made on 16 March 2016 and may, he says, have been made by a Moroccan friend or "*because he likes Moroccan food*", but would have no link with Mohamed ABRINI, since Herve BAYINGANA MUHIRWA continues to assert that the latter was not at home on that date.

Mohamed ABRINI and Osama KRAYEM are said to have returned after the attacks to ask him to take them in again

*"They were in need and in our community, we help each other"*<sup>1788</sup> and he never believed that they were linked to the attacks.

*"Nothing is holding me to it except Najim. I was selfish, I thought of myself and not of the victims and the potential danger that Abrini and Krayem could represent but I only thought of myself"*

According to Herve BAYINGANA MUHIRWA, Mohamed ABRINI was in a panic on 22 March 2016:

*"When I see him, he is in a panic. I make the connection with Najim and what happened. He asks to stay for a few days and I ask him to leave as soon as possible, I tell him I don't want any trouble, no problem."*

*Questioned: I told him that I had made the link between him and the attacks. If told me that he didn't want to do that and that's why he didn't do it"*<sup>1790</sup> -

*"I asked him what his plans were now, and he asked me to stay here and rest because he had walked to my house and wanted to stay a few days and then he would disappear. You ask me if we talked about the victims. No, but we talked about the attacks in general. (...) You ask me if he expressed regrets and I say ABRINI yes, without saying that he regretted dead people but he was touched"*<sup>1791</sup> -

According to Herve BAYINGANA MUHIRWA, the research carried out on 2 April 2016 on the neighbourhood "La Chasse" must have been done by ABRINI.

The ones "in French" on 3 April on the streets in the center of Brussels (De Brouckere, Lemonnier, Boulevard du Midi, Esplanade de l'Europe, Stalingrad etc...) or on 7 April (on the same street as the Cinquantenaire, Haren station, Brussels cemetery, Brussels Schuman station, Meiser station, Horta Museum, Marie Louise square) would not have been done by him.

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<sup>1787</sup> which is "a portal to Morocco and Moroccans in the world".

<sup>1788</sup> report interrogation EM of 9 April 2016, MOD 9, C4, SF2, 3

<sup>1789</sup> report interview EM, MOD9, C4, SF2, 12

<sup>1790</sup> report 42084/16, MOD 9, C4, SF2, 5

<sup>1791</sup> report interview EM, MOD9, C4, SF2, 12

After the attacks, Mohamed ABRINI told Herve BAYINGANA MUHIRWA that Salah ABDESLAM was a "neighborhood pate", while Osama KRAYEM told him about Sofien AYARI.

## 6. About Bilal EL MAKHOUKHI

Herve BAYINGANA MUHIRWA claims to have known Bilal EL MAKHOUKHI for 10 years, but not under the name of Abou Imrane<sup>1792</sup>.

*"For me he is a longtime friend, before 2011.*

*Q: I heard he was in Syria, his mother had tried to contact me to see if I had anynews, I only found out afterwards that he had left.*

*I had no contact with him when he was there. I only saw him again when he came back and in a dinghy.*

*Q: I should have 5-6 best friends. Bilal, one of these friends, never told me about hislinks with the case "<sup>1793</sup> -*

His friends who went to Syria wanted to do humanitarian work or defend the oppressedagainst a dictator. Bilal EL MAKHOUKHI was the first to leave, followed by those from Schaerbeek, Najim LAACHRAOUI and others:

*"Bilal, when I knew he was back, I saw him in a cafe in Laeken, the cafe where weused to meet, down the rue Marie-Christine. He told me about his experience, how he lived there. He told me about his daily life with the others, about the luxury he lived in, that he lived in palaces. He said that there were many nationalities: Germans, Chechens, Australians, that the whole world was there. He said that sometimes it was good and sometimes it wasn't. (...) I know he went to fight but he didn't go into details, he told me he was a sniper but he didn't tell me if he had killed people over there"<sup>1794</sup> .*

Herve BAYINGANA MUHIRWA believes that Bilal EL MAKHOUKHI's intention was to stay behind if he had the opportunity to be treated.

He would not know anything about a possible role of Bilal EL MAIKHOUKHI in the attacks.He is also unaware of the weapons *that Imrane* would know where to find if other brothers wanted to "work".

*"I was never contacted to go and pick up people at Max Roos, Bilal did not contact me to do this, to act as a "taxi". I never went to Max Roos (...). I know him, I know his friends. For me, he has nothing to do with the facts"<sup>1795</sup> -*

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<sup>1792</sup> Report interrogation EM of 9 April 2016, MOD 9, C4, SF2, 3

<sup>1793</sup> Rep. 23728/16, MOD9, C4, SF2, 4

<sup>1794</sup> Summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

<sup>1795</sup> Rep. 23728/16, MOD9, C4, SF2, 4



And when it is pointed out to him that his friend's DNA was found in the cache in Max RoosStreet, he answered:

*<< I'm surprised. That means he knew them*<sup>1796</sup> -

## **7. About Najim LAACHRAOUI**

*"Najim is basically a friend of mine. We had mutual friends in Schaerbeek in 2012. I knew them through school and work, we went to the same sports hall Stephenson.*

*Q: these common friends were Ilyes Kaddouri, Elldrissi Brahim, and other ones whose names I know. I do not wish to give their names so as not to cause them problems (...). I have known him since 2012, I know that in 2013 he went to Syria. When he cameback, he never told me what he did there.*

*When I was questioned, I learned from friends in the neighborhood that he had leftfor Syria, I did not know his travel plans. I learned about this trip from the samegroup of friends (...)*

*We met in a cafe in Laeken two or three days before he brought Krayem and Abrini to my place at about 16.00hr, he came on foot. It was our group cafe in 2012/2013 (...). It's a cafe where I usually go, it's in the corner of Marie Christine Street but I don't know the name of the cafe. So Najim arrived alone in this cafe and joined. There were no people on the terrace where I was, and he joined me. I repeat, we met by chance.*

*He joined me, we had a tea, we talked. I asked him how come he came back and he told me that he didn't understand what was going on there in Syria/Iraq because there are several groups fighting each other. Because of this, he came back. He thought that people were going to fight against Bashar Al Assad.*

*Q: he told me about the life of the communityon the spot but not about its activities (...).*

*We talked about everything, we went to my place and then he left.*

*Q: he did not ask me about his companions at that time, he asked it two dayslater*<sup>1798</sup>

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Herve BAYINGANA MUHIRWA said that when he invited LAACHRAOUI to his home, the latter was dressed in a "winter outfit with glasses (and) a grey Peruvian cap"<sup>1799</sup> .

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<sup>1796</sup> Rep. 23728/16, MOD9, C4, SF2, 4

<sup>1797</sup> Not far from Bilal's house...

<sup>1798</sup> Rep.PV 42084/16, MOD 9, C4, SF2, 5

<sup>1799</sup> Rep. 37910/17, MOD9, C4, SF2, 8

Herve BAYINGANA MUHIRWA repeats<sup>1800</sup> that LAACHRAOUI brought Osama KRAYEM and Mohamed ABRINI to him one evening out of the blue, 2 or 3 days before the attacks because his flat was too small. He claims not to have made the connection between the visit of these two people to his home and the events in the Rue du Dries.

Finally, Herve BAYINGANA MUHIRWA claims to recognize his friend Najim LAACHRAOUI on the identity picture of the so-called "KAYAL". This picture, as well as that of Mohamed BELKAID, appeared in the press on 4 December 2015<sup>1801</sup> (under their false names KAYAL and BOUZID)<sup>1802</sup>. *"This is Najim LAACHRAOUI. This is what he looked like when I saw him in February/March 2016 but he was thinner when I saw him in the neighborhood. He had his hair cut short .. but not shaved on his sides "*<sup>1803</sup>.

This photograph is identical to the one found on his computer (but undated)<sup>1804</sup>.

#### E – PSYCHIATRIC E EXPERTISE

In their report of 19 December 2016, the experts BEINE and LEISTEDT noted the following<sup>1805</sup>:

Herve BAYINGANA MUHIRWA admits that he hosted Mohamed ABRINI and Osama KRAYEM, one day and one night before the attacks, without knowing anything about them. After the attacks, he allegedly hosted them one after the other for two days.

He comments on his role by saying that *"I went wrong"*, while explaining that he has a helpful character and that, moreover, his commitment to Islam encourages him *"to help his neighbour"*. Herve BAYINGANA MUHIRWA however says he disapproves of *armed jihad* even if, in his milieu, he could hear and understand the reactions of sympathy towards the so-called *"armed"* jihad.

Despite the death of his father, his arrival in Belgium and the inter-ethnic problems, the accused declares to the psychiatrists that his childhood was trouble-free. His schooling and professional career appear to be unremarkable.

Born into a Catholic family, he converted in 2011 after active research on the internet and some reading. He then took control of his life and became a good and committed devout but refused violence.

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<sup>1800</sup> Summary examination report of 29 September 2017, MOD 9, C4, SF2, 12

<sup>1801</sup> Rep. 004713/19 (MOD15, C26, SF2, 22) and rep. 11874/19 (MOD15, C26, SF2, 56)

<sup>1802</sup> These same photographs were republished in the DH on 5 January and in the Libre on 6 January 2016 with the information that it was to them (KAYAL and BOUZID) that the Bataclan attackers sent a text message on the 13th November 2015 announcing *"let's go, we're starting"*.

<sup>1803</sup> rep. 8941/19, MOD 9, C4, SF2, 14.

<sup>1804</sup> rep. 8941/19, MOD 9, C4, SF2, 14.

<sup>1805</sup> Report of 19 December 2016, MOD 7, C7, SF 7, 4



Even if he is part of the populations at risk or vulnerable to radicalization, there are few elements of radicalization in Herve BAYINGANA MUHIRWA, experts say.

Nevertheless, they note a discourse impregnated with religiosity and rather stereotypical. He emphasizes the solidarity of the group to which he belongs (communitarianism). Solidarity between brothers is very important to him.

The psychiatrists have not detected any psychiatric pathology in the accused, neither psychotic nor neurotic. They consider that he was responsible for his actions and that, at the time of the acts charged, the accused was not in a state of dementia or in a serious state of mental imbalance or mental debility rendering him incapable of controlling his actions.

They conclude that the mental state of the accused does not constitute a particular social danger.

#### **F – BEHAVIOUR ENQUIRY**

##### **1. Teachers**

Daniel SUZAN<sup>1806</sup>

Teacher at the Royal Gatti School in Garnand since 2000. Daniel SUZAN has given courses in economics and accounting techniques. He does not remember him.

Philippe SULTUS<sup>1807</sup>

A former teacher at the Gatti school in Garnand, Philippe SULTUS taught Protestant religion in the technical stream from September 2001 to June 2006 or 2007. According to his records,

Herve BAYINGANA MUHIRWA attended a church called "*Brussels International Church*".

An average and reserved student, Herve BAYINGANA MUHIRWA does not evoke many memories in his former teacher.

However, he expressed surprise that the accused had converted because the African Christians he had at school did not mix much with Muslim students.

##### **2. The staff of the JENNYFER shop**

Sandra OURARI<sup>1808</sup>

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<sup>1806</sup> Rep. 13617/19 (MOD9, C, SFI, 11)

<sup>1807</sup> Rep. 014860/19 (MOD9, C, SFI, 12)

<sup>1808</sup> Rep. 005193/19 (MOD9, C, SFI, SC)

Herve BAYINGANA MUHIRWA worked in the rue Neuve shop during the sales period as a student in 2007: he was assigned to the stock room where he processed the packages received.

He fitted well and everything was going well.

The witness describes his personality as discreet but well integrated in the group. He would be more of a follower, but she does not know about his private life. She has not seen or heard from him since his last hiring.

Karima LRHAYYATE<sup>1809</sup>

In 2007, Herve BAYINGANA MUHIRWA was a student and worked with Karima LRHAYYATE. She describes him as kind, smiling, discreet, speaking little, working normally.

The witness cannot say anything about his private life and has not seen him since 2007.

Leoncie NIRERE<sup>1810</sup>

Leoncie NIRERE worked at the same time as Herve BAYINGANA MUHIRWA in the shop in 2007.

He worked well as a student, but she had little contact with the students. Leoncie NIRERE remembers that Herve BAYINGANA MUHIRWA had converted and called himself "Abdul" or "Abdoula".

### **3. His family and siblings**<sup>1811</sup>

MUKANGWIJE Therese<sup>1812</sup>

Therese MUKANGWIJE is the mother of the accused. She is a volunteer and cares for elderly people at home.

She describes her son as a normal child, with no particular worries. He had to overcome the death of his father and flee the war in Rwanda. He was always kind, smiling, generous and hard-working.

He joined his mother in Belgium with her siblings in 1998 and immediately received a good education even though he did not speak French. Then he had to face the death of

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<sup>1809</sup> Rep. 9891/19 (MOD9, C, SFI, SA)

<sup>1810</sup> Rep. 9892/19, MOD9, C8, SFI, SB

<sup>1811</sup> Through his lawyer, Herve BAYINGANA MUHIRWA requested the interview of his uncle, Innocent MTAMUHANGA, his mother and his two brothers (9109/19, MOD16, C3, SFI, 2)

<sup>1812</sup> Rep. 19010/16 (MOD9, C8, SFI, 4) and Rep. 13191/19 (MOD9, C8, SFI, 9)

his brother. He always lived with his mother until he moved to Rue du Tivoli.

Herve had Muslim friends including a Majid. He told his mother that he had converted on the web, but she was not informed directly. He then tried to explain his conversion to her through books, feeling better about himself. He wore a long robe to the mosque and a beard but did not become an extremist, speaking out against violence.

At her hearing on 29 April 2016<sup>1813</sup>, Therese MUKANGWIJE said that Herve explained to her that he had taken in two people *"who he met in front of the mosque opposite their house. As he found their behavior strange (they didn't want to do anything or go out), he asked them to leave. It was only later that they came back and asked again to stay with him. He agreed again. It was a goodwill gesture, he wanted to do a good deed."*

*"I think he didn't know that the people who stayed at him were involved in the attacks. I think he was naive and it's in his character to want to do the right thing."*

Therese MUKANGWIJE knows two friends of her son, both called Majid. Herve didn't go out much, he saw his future here by starting a family.

According to the mother, they took advantage of his kindness and Herve was overwhelmed.

Innocent MTAMUHANGA<sup>1814</sup>

Innocent MTAMUHANGA is Herve's maternal uncle. As a Red Cross worker, he saw Herve very regularly before his nephew went to prison.

Innocent MTAMUHANGA says he is severe and has not been to see his nephew since his indictment.

He described Herve as sociable and duty-bound. He did not talk about his ambitions or goals.

Innocent MTAMUHANGA knows neither the activities, nor the frequentations, nor the religious background of Herve. No problem has arisen at this level.

According to him, Herve was naive and not very brave.

Lionel BAYINGANA ISHIMWE<sup>1815</sup>

Well integrated in Belgium since 1998, Lionel BAYINGANA ISHIMWE, Herve's brother, explains having had a normal childhood in Belgium.

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<sup>1813</sup> Rep. 19010/16, MOD 9, CS, SFI, 4

<sup>1814</sup> PV 040004/18, MODLS, C26, SF2, 42A

<sup>1815</sup> Rep. 19427/16 (MODIS, CS, SF2, 2) and rep. 13362/19 (MOD9, CS, SFI, 10)



As youngsters with no problems, he and his brother had friends their own age and were able to pursue a good education. Lionel BAYINGANA ISHIMWE has a degree in computer graphics and Herve has a degree in accounting.

According to Lionel BAYINGANA ISHIMWE, Herve has kept a childhood friend from his school Gatti de Garnand named Majid.

He doesn't know his later acquaintances except for Bilal EL MAKHOUKHI and Majid AFKIR who used to work with him at "Jennyfer".

He describes Herve as a cheerful, joking brother who watches television and listens to all kinds of music.

Herve is a sportsman. He also read a lot.

When Lionel BAYINGANA ISHIMWE noticed that Herve had a lot of books related to Islam, he asked him if he had converted. Herve explained that he had found peace and always emphasized the generosity and sharing of Islam. Lionel BAYINGANA ISHIMWE does not know exactly how his conversion took place.

Apart from wearing a "long dress" to Friday prayers, Lionel BAYINGANA ISHIMWE has not seen his brother change or become more radical: *"He would reject a verse in the Koran that said that killing one person is equivalent to killing all humanity. He was against violence. Even when I called him after the Brussels attacks, to tell him, look, what Muslims have done, he told me that it is not real Muslims who do that".*

While his brother was arrested a month ago, Lionel BAYINGANA ISHIMWE said on 3 May 2016: *"I have spoken with Herve since his incarceration. He just told me that he hosted people in need, whom he met when leaving the mosque. They asked him for help to host them. I don't know more than that.*

He thinks that his brother wanted to do something with his life. He had found a job that interested him.

#### Yves BAYINGANA<sup>1816</sup>

Yves BAYINGANA is the elder brother of the accused. He is a social worker accompanying the homeless.

He described Herve as ambitious, wanting to work in finance, knowing what he wanted, helpful, intelligent, and curious to learn.

Yves describes having lived through the genocide in Kigali with his family and being marked by it, as was Herve. *"My mother, Herve and I were in a church. People got married there. The church was attacked with a grenade, in the chaos we lost our mother.*

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<sup>1816</sup> PV 19429/16 (MODIS, CS, SF2, 3) and PV 12774/19 (MOD9, CS, SFI, 8)

*When Herve and I left the church, there were soldiers present. Herve thought they were there to protect us, I had time to pick him up by the arm and we ran across the fields.*

*We went to the homes of acquaintances and neighbours before we met up with our mother, who also had run away. At that time, I was 12 years old, and Herve must have been 9 years old*

*When we went north, helped by the RPF, I don't remember Herve talking. We walked at night, we walked over bodies.*

According to his brother, Herve was traumatized by the war.

*"When we arrived here, Herve could no longer stand the Rwandan community, which for him is a community that has killed each other. He couldn't stand the idea of hatred, of division in the community. People are not healed, and you can feel it.*

The integration of the siblings in Belgium went very well and they had an ordinary childhood.

His schooling was quite good and Herve did student jobs. He was brave and athletic, independent, caring and naive.

Converted, he was positive about Islam, he was happy and shared it. *"We talked a lot about it and discussed it together because, being Catholic Christians by birth, I turned to Protestantism and he went to Islam. We discussed the fact of having found our faith".*

His family seems to have learned to live with this and to respect it, but it was not without awkwardness at first. What marked the witness at the death of their brother Nicolas was that Herve told him that he had held on through Islam.

He never closed himself off from his family. He was present at Christian feasts (e.g. Christmas). He did not change his style of dress either, except on Fridays, days of prayer, when he went to the mosque. He showed no signs of radicalization, was pacifist, against attacks.

Herve's friends are a certain Patrick of Rwandan origin whom he has known since he was a child and a Majid with whom he went to school.

Yves BAYINGANA cannot believe that his brother is linked to the attacks and could have been part of a network to participate in such an enterprise.

Eden Sarah VENNEMAN<sup>1817</sup>

Eden Sarah VENNEMAN is the partner of Yves BAYINGANA MUHIRWA, brother of the accused.

She describes the accused as helpful, benevolent and discreet, fond of reading and sports.

<sup>1817</sup> PV 42087/18, MOD 15, C26, SFI, 46

His ambition was to live on his own and have a stable life with a job. He was a convert and went to the mosque from time to time and did Ramadan.

He was not an extremist: He was present at family celebrations like Christmas. *"He still kissed me, for example."*

She does not know any friends.

Assinapol MIHIGO<sup>1818</sup>

Originally from Rwanda, Assinapol MIHIGO arrived in Belgium in 1993. He is a pastor in a protestant church in Brussels, and involved in youth work and helping families in difficulty. This is how he met the BAYINGANA MUHIRWA family and became close to them.

Despite family trauma due to the war, the death of his father and one of his brothers, Herve integrated well in his school in Belgium. He studied without any problems, his secondary school, his graduation. He is not known to have any problems with crime. The family is poor and shy, communicating little.

After Nicolas's death, the family seems to have developed a fear of "Arab Muslims", suspected for a while of having killed Nicolas, as well as a fear of going out to school for example, and has turned inwards.

Herve met some Muslims after the family moved to Neder Over Hembeek. He became close to them and surprised everyone when he converted.

There had been family meetings to get him to return to the family but without success. It was his choice, it was respected.

Assinapol MIHIGO never noticed any radicalism among him. He even said that the terrorists were not Muslims. He never cut off his ties with the community, he still came to family parties, to weddings.

According to the witness, Herve may have been trying to find some form of protection among the youth, or to fit in with a group.

The witness believes that he was manipulated because he knew nothing about Islam and that his naivety and shyness were taken advantage of to make him a terrorist, which is not like him.

Herve is described as a hard worker, rather a follower given his family and personality.

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<sup>1818</sup> PV 012425/19 (MOD9, C8, SF1, 7)

#### **4. Other witnesses heard during the investigation**

Several acquaintances of the accused were heard in the course of the investigation, among whom it seems necessary to mention:

##### **Abdelmajid ADAIAF<sup>1819</sup>**

Abdelmajid ADAIAF is a mutual friend of Bilal EL MAKHOUKHI and Herve BAYINGANA MUHIRWA<sup>1820</sup>.

Until a month before his arrest, the witness said, ADAIAF saw Herve to go shopping, play checkers, have a drink, ...

His name is cited as one of the guests at the meal shared on the evening of 21 March 2016. Abdelmajid ADAIAF denies having spent the evening with Herve BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI near Meiser Square.

There is no telephone evidence that he was present with the defendants this evening<sup>1821</sup>.

##### **Majid AFKIR**<sup>1822</sup>

Herve BAYINGANA MUHIRWA did not ask for Majid AFKIR to be interviewed as part of the morality investigation, even though he is a known friend of his family.

Majid AFKIR appears as his privileged correspondent on two telephone numbers attributed to Herve BAYINGANA MUHIRWA.

He is also a school friend of Najim LAACHRAOUI and Bilal EL MAKHOUKHI<sup>1823</sup>.

Majid AFKIR met Herve BAYINGANA MUHIRWA when he was 16 years old, working as a student in the Jennyfer shop.

At the time when he was being prosecuted by the courts<sup>1824</sup> in the file relating to the same departure route as Najim LAACHRAOUI, Majid AFKIR was meeting with friends at the Schaerbeek football stadium. Herve BAYINGANA MUHIRWA, whom Majid AFKIR also calls by his converted name Abdelkarim, was among them.

Majid AFKIR says he knows nothing about the possible participation of Herve BAYINGANA MUHIRWA or Bilal EL MAKHOUKHI in the Brussels attacks.

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<sup>1819</sup> Rep. 22692/17, MOD 9, C2, SFI, 33

<sup>1820</sup> see item on Bilal EL MAKHOUKHI's morality survey

<sup>1821</sup> Rep. 16687/17 (MOD15, C17, SFI, 21): no activation of relay antennas in this neighbourhood, no disconnection as at Bilal EL MAKHOUKHI.

<sup>1822</sup> Rep. 22765/17 (MOD9, C2, SFI, 43)

<sup>1823</sup> see also the latter's ethics review

<sup>1824</sup> And finally sentenced to 5 years imprisonment for having participated as a leader in the activities of a terrorist group by the judgment of the Brussels Court of Appeal of 2 June 2017.



He explained his frequent contacts with Herve BAYINGANA MUHIRWA at the beginning of January 2016, by the fact that he could provide him with a job.

Majid AFKIR is quoted as saying that he may have shared a meal on the evening of 21 March 2016 near Place Meiser. Majid AFKIR totally denies having participated in this dinner.

## CHAPTER IX: SMAILFARISI

aka 'Manure'.

### A - PROCEDURE

Smail FARISI was charged by the investigating judge with, "as author or co-author, or accomplice, participation in the activities of a terrorist group, murder in a terrorist context and attempted murder in a terrorist context".

He was the subject of an arrest warrant issued by the investigating judge on 11 April 2016.

After briefly recounting the explosions and the discovery of the conspiratorial flat in Max Roos Street, the investigating judge gave the following reasons for the arrest warrant:

*"Smail FARISI is suspected of having participated in the above-mentioned acts.*

*He would indeed have been the tenant and occupant of a flat located at 1040 Etterbeek, avenue des Casernes, 39 which would also have been occupied by Khalid EL BAKRAOUI and Osama KRAYEM shortly before the facts. It is probably from this flat that the persons concerned went on foot to the Petillon metro station, where they were filmed together, each carrying a rucksack, immediately after the attack in Maelbeek.*

*Osama KRAYEM is said to have returned to the address, still carrying his rucksack, which there is reason to fear may also have been laden with explosive material. He reportedly rang the doorbell of the building and someone opened it for him, which tends to show that in addition to Khalid EL BAKRAOUI and Osama KRAYEM, a third person was occupying the flat and was present at the time. The building was equipped with CCTV cameras and it appeared from the analysis of the pictures that the accused would have been present in the building on the day of the facts (22/03/2016). In particular, he would have been filmed going to his mailbox on numerous occasions (again at 21:24), as if he was waiting for something important.*

*The defendant denied any involvement in these facts. However, these allegations appear to be questionable insofar as they seem to be contradicted by the elements developed above, and in particular by the use of video surveillance images of the building, but also by the fact that, subsequent to the police intervention in the rue de Dries in Forest and the publication in the press of the names of the accused, the police were able to identify him as a suspect.*

*The accused could not have been unaware that the brothers EL BAKRAOUI were being sought in a terrorist context. The accused was also arrested in the immediate vicinity of the flat after the search had just been completed.*

*The defendant has no criminal record. He declared that he is currently looking for a job and is receiving benefits from the CPAS. He is said to be a friend of Ibrahim El Bakraoui whom he knew at school.*

Smail FARISI was conditionally released<sup>1825</sup> on 1 February 2018 by the investigating judges.



The Indictments Division, in its judgment of 17 September 2021, after having found that there were sufficient and serious charges against Smail FARISI, referred before the Court of Assizes of the Brussels-Capital administrative district on the basis of the three charges.

His referral to the assizes concerns both the acts committed in Zaventem and Maelbeek:

With regard to 22 March 2016, the terrorists' objective was to carry out coordinated and simultaneous attacks in Zaventem and Maelbeek, so that the different targets must be analyzed as a single scene of attacks.

Consequently, Smail FARISI is, like each of the accused, co-author of all the attacks committed on that date, without distinction of the target assigned to each of them.

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<sup>1825</sup> Order for release of arrest warrant under conditions, MOD 8, C4, SFI, 10

## B - BIOGRAPHY

Smail FARISI is the second of five children: Nadia FARISI (born in 1981), Smail FARISI (born in 1984), Fatima FARISI (born in 1986), Ibrahim FARISI (born in 1988) and Bilal FARISI (born in 1995).

His father, Mustapha FARISI, was born in 1960 and works as a taxi driver. He arrived in Belgium in 1976. He got married in 1980 with Fatiha IFEKIRAN, born in 1963. They get along well together in the family.

His parents lived in Anderlecht, in the neighbourhood of the Peterbos. They later moved to the rue de l' Agreement in the same municipality.

Smail FARISI describes his childhood as happy and without any particular problem.

*"A bit of a dunce in school,* he likes to play football. He started secondary school at Athenee Bracops-Lambert, doubled up once, then went on to the third year at t h e Institut Rene Cartigny, in Ixelles, in the technical section. It is in this school that he met Ibrahim EL BAKRAOUI who became his friend even if they were not in the same class. At that time, Youssef EL AJMI, Ali EL HADDAD ASUFI, Yassine ATAR and Khalid EL BAKRAOUI attended the same school. Smail FARISI was in the same class as Ali EL HADDAD ASUFI in 2000 and 2003. Smail FARISI remembers Yassine ATAR<sup>1826</sup> , but claims not to have known Khalid EL BAKRAOUI at the time.

After his studies, he continued to see Ibrahim EL BAKRAOUI but declares that *"in 2004-2005, we parted ways"*. He knows however that his friend has been in prison.

In 2003, he graduated from high school as a computer technician, but despite graduating, he never worked before his arrest. At first he did not want to work, and later on, lack of experience prevented him from doing so. He has been registered as unemployed, lost his rights and then depended on the CPAS.

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<sup>1826</sup> rep. 6406/19 joined by 14629/19, MOD 9, SF 7, SF2, 13

He states during the psychological assessment that he is "addicted to gambling (casino, bingo). This has consequences for his financial situation. In 2010, ii consulted a psychologist at the request of her parents.

According to his father, Smail FARISI keeps the key of the house but lives left and right:

*"I rented a flat in the rue Palais Outre-Pont in Laeken. I can't tell you the year (...). This 2-bedroom flat, I sub-let it. I didn't live there, but when I was drunk and didn't want to go back to my parents' house, I used to sleep in the flat (...). To your question, there was an agreement with the sub-tenants that I could go into the flat to sleep or do something else."<sup>1827</sup>*

After this address, automatically struck off, without income and without a fixed address, Smail FARISI contacted the CPAS of Etterbeek in June 2003 when he happened to be sleeping in the cellar of a friend, Tarik EL GHARIAOUI<sup>1828</sup>.

He regularized his administrative situation, applied to the CPAS of Etterbeek which, in February 2015, helped him to rent a studio in avenue des Casernes 39, where he lives. It is a studio, composed of a single room and a bathroom located on the fourth floor of the building.

But Smail FARISI does not like solitude. He returns to live with his parents.

According to his mother Fatiha IFEKIRAN,

*"My husband advised him to get a flat to get married. Smail went to live in a small studio for 3 months but he was able to live on his own and came back "<sup>1829</sup> -*

Smail FARISI explains:

*"When I was poking around, I would go to this flat to sleep. I would also pick up my mail and go upstairs at that time. To your question, I've had a lot of problems with alcohol in the past and I used to go there to sleep so my parents wouldn't see me in that state. When I wasn't drunk, I would go to my parents' house "<sup>1830</sup> -*

This explanation is confirmed by his friend Houcine BOURHIDANE:

*"Smail told me that he took his flat to have a place to stay, he wanted to have a place to go home to sleep when he was drunk because he didn't want to go home drunk "<sup>1831</sup> .*

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<sup>1827</sup> PV 006406/19, attached by PV 14629/19, MOD9, C7, SF2, 13

<sup>1828</sup> PV 17702/16, MOD9, C7, SF2, 4

<sup>1829</sup> PV 19408/16 (MOD9, CI, SFI, 6)

<sup>1830</sup> PV 006406/19, attached by PV 14629/19, MOD9, C7, SF2, 13

<sup>1831</sup> PV 30221/18, MOD9, C3, SF2, 33

In September 2015, Smail FARISI left the place to his brother Ibrahim<sup>1832</sup>.

It was at this time that he met by chance his school friend, Ali EL HADDAD ASUFI. The latter asked him if he did not know a place where their common friend, Ibrahim EL BAKRAOUI, could go to sleep.

Ali EL HADDAD ASUFI and Ibrahim EL BAKRAOUI come to visit Smail FARISI's studio on 3 October 2015<sup>1833</sup>, Smail FARISI then invited his brother to release the premises so that Ibrahim EL BAKRAOUI could move in on 4 October 2015.

Smail FARISI sublet this studio to Ibrahim EL BAKRAOUI: *"(the CPAS) paid the rent and Ibrahim paid me 400 or 500€ with a maximum of 800€ per month. You ask me if I know where their money came from? I don't know where the money came from and for me the main thing was to have my money"*<sup>1834</sup>: *"I don't mind even if I know that Ibrahim is in prison. I tell myself that people can change"*<sup>1835</sup>.

He gave Ibrahim EL BAKRAOUI a key and an access badge. He kept one badge, two keys and a single key from the mailbox.

He came by "from *time to time*" to pick up his mail and noted that at the beginning, Ibrahim EL BAKRAOUI lived there alone. Smail FARISI came there regularly. He spent time there alone or with Ibrahim EL BAKRAOUI and sometimes shared a meal with him.

Thanks to the building's surveillance cameras, the investigators note that only a few people come to join Ibrahim EL BAKRAOUI in this studio. Among the few people allowed to enter, Ali EL HADDAD ASUFI is regularly seen there, often accompanied by Youssef EL AJMI<sup>1836</sup>.

Similarly, Mohamed BAKKALI is seen on 13 October 2015 in the early afternoon with Ibrahim EL BAKRAOUI.

In November 2015, Smail FARISI went to the studio on avenue des Casernes<sup>1838</sup> 17 times<sup>1837</sup>.

On these occasions, he picked up his mail but did not sleep there.

We also see that he met his friend Mouhcine BOURHIDANE on 11 and 12 November 2015.

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<sup>1832</sup> "My little brother Ibrahim came because he needed to be alone for a while. I was living with my parents and was also drinking a bit. Actually, I was planning to sub-let and make some money with this flat. To your question, I don't know exactly when my brother came. But my brother Ibrahim came to live in the flat a little before Ibrahim El Bakraoui moved in. I don't know exactly but he didn't stay there for a long

*time*" (006406/19, attached by 14629/19, MOD9, C7, SF2, 13)<sup>1833</sup> PV 24051/16, MOD15, C7, SFI, 41C

1834 interrogatory EM, MOD9, C7, 3

1835 6406/19 joined by 14629/19, MOD 9, SF 7, SF2, 13

1836 Both are being prosecuted in connection with the Paris attacks.

1837 1er-6-8-9-II-12-13-14-15-16-18-19-20-23-26-27 and 28 November 2015

1838 041130/18 (MOD15, C27, SFI, 1)



On 18 November 2015, the day of ABAAOUD's death (in Saint-Denis), Mohamed BAKKALI entered the studio at around 8 pm, accompanied by the EL BAKRAOUI brothers. Smail FARISI joined them at 20h. 15. At 20 h. 56, Khalid EL BAKRAOUI and BAKKALI left the Avenue des Casernes.

On 26 November 2015, after ABAAOUD's death and the Paris attacks, Mohamed BAKKALI was arrested.

According to a press article published on 28 November 2015<sup>1839</sup>, BAKKALI's arrest is linked to the Auvelais caching, the 13 November attacks and the manufacture of explosives.

On the day of Mohamed BAKKALI's arrest, Khalid EL BAKRAOUI leaves his marital home and moves into the studio on Avenue des Casernes. Smail FARISI meets him there the next day. Ibrahim EL BAKRAOUI is no longer seen in the studio. His brother Khalid continues to live there and, from 16 March 2016, Osama KRAYEM moves in.

This studio was searched on 9 April 2016.

That day, accompanied by his brother Ibrahim, Smail FARISI was seen on the scene by a neighbour who called the police, leading to their arrest<sup>1840</sup> -

Smail FARISI is single, has never cohabited but has had several sentimental relationships of some duration. At the time of the events, he had met Hanan ASLI, who allegedly walked away because he was in prison.

He is currently living with an older woman, Yolande DELISSE, born in 1961, "(who) has children and grandchildren "<sup>1841</sup>.

Since his release (in the context of this case), Smail FARISI declares that he "*got his act together*": he started working in a snack bar, where "*he works 7 days a week*", hired by "*the husband of an aunt*".

## C- HIS INVOLVEMENT IN THE BRUSSELS ATTACKS

### 1. Smail FARISI continues to make his studio available and to visit it

After the arrest of Mohamed BAKKALI, Smail FARISI lets the two EL BAKRAOUI brothers live in his studio.

Smail FARISI comes almost daily (for 21 days) in December 2015<sup>1842</sup> - His visits are mainly during the day, sometimes for a few minutes, sometimes for a few hours. He meets both Ibrahim and Khalid EL BAKRAOUI and crosses paths with Ali EL HADDAD ASUFI on 14 December 2015.

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<sup>1839</sup> PV 11793/22 and PV 11947/22, from 'B-PARIS



<sup>1841</sup> PV 6406/19 attached by PV 14629/19, MOD9, C7, SF2, 13

<sup>1842</sup> PV 41130/18 (MOD15, C27, SF1, 1) completing PV 32609/16 (MOD15, C12, SF1, 4)

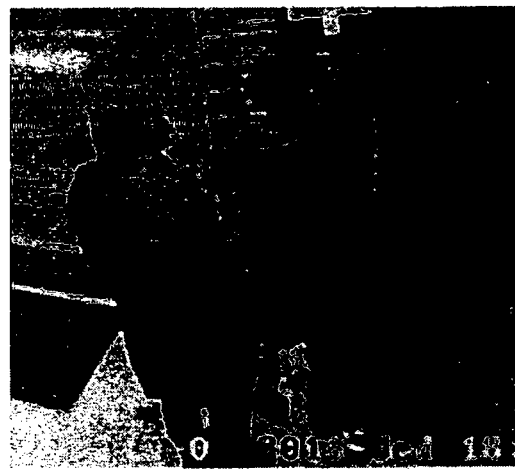
Smail FARISI shares the meal of Ibrahim EL BAKRAOUI on 6 December 2015 and 11 December. He eats with EL BAKRAOUI brothers on 29 December 2015.

Each time, Smail FARISI picks up his mail.

In January 2016, Smail FARISI appears on numerous occasions at the Avenue des Casernes, almost daily and sometimes several times a day until 18 January. After that, he was only seen on 20, 23 and 29 January<sup>1843</sup>.

By leaving the key and badge in the mailbox, Smail FARISI finds a way to keep his keys and badge while allowing his guests to enter the flat according to their respective schedules<sup>1844</sup>.

On 13 January 2016, Smail FARISI and Ibrahim EL BAKRAOUI leave the building together: thanks to the camera footage, we see that contrary to usual, Ibrahim EL BAKRAOUI is wearing a wig, glasses and a cap.



In February 2016, Smail comes only eight times<sup>1845</sup> to the studio. He again sees the EL BAKRAOUI brothers for a few hours, but no one else but the three of them (even Ali EL HADDAD ASUFI) is seen in this building.

Hanan ASLI, Smail FARISI's girlfriend, speaks of Ibrahim EL BAKRAOUI in these terms:

*"Around February 2016, when I had to see Smail, he told me that he stayed with the acquaintance in question because he did not see him often when he went to her flat. He also told me that he had seen Ali in this flat on several occasions. (...)"*<sup>1846</sup>.

Ibrahim EL BAKRAOUI was last seen in this studio on 29 February 2016, when he appeared to move in permanently to rue Max Roos.

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<sup>1843</sup> PV 006379/19, MODIS, C28, SFI, 1

<sup>1844</sup> Image of 6 January 2016, PV 41130/18 (MODIS, C27, SFI, 1)

1845 February 1-2-3-4-9-17-18-22, 2016

1846 PV 777/18, MOD9, C3, SFI, 31

During the first half of March 2016, Smail FARISI only appeared on Avenue des Casernes on 3 and 14 March 2016.

Following the police intervention in Rue du Dries on 15 March 2016, photographs of the EL BAKRAOUI brothers were published in *La Derniere Heure* on the front page on 16 March 2016 under the headline "*Voici les deux terroristes qui ont semé la panique à Bruxelles*" (*Here are the two terrorists who caused panic in Brussels*), specifying that they are being urgently sought.

The article makes a clear link between these facts, the terrorist group Islamic State and the threat to Belgium<sup>1847</sup>. The article reads in part:

*"(...) Khalid and Ibrahim El Bakraoui These two well-known figures of the big banditry could well be the two people that the police were looking for this Tuesday evening after the assault in Forest*

Since the publication of this article, Smail FARISI's attitude has changed completely:

At 3.17 am on 17 March 2016, he returned to the Avenue des Casernes where Khalid EL BAKRAOUI and Osama KRAYEM had been staying. He spends the night there and leaves the next day at 11:49.

Smail FARISI then comes back every day, sometimes briefly, sometimes several times a day.

Khalid EL BAKRAOUI will not leave the studio until 22 March 2016, Osama KRAYEM will not leave again until 19 March 2016.

On Thursday 17 March, *La Derniere Heure* mentions that in Forest, "*the flat was owned by one of the EL BAKRAOUI brothers*"<sup>1849</sup>.

Smail FARISI wonders why Khalid EL BAKRAOUI is occupying his studio<sup>1850</sup>.

On 18 March 2016, Salah ABDESLAM and Sofien Ayari are arrested.

When asked by the investigators why he did not react to the press report, he said:

*"It was the worst decision I ever made in my life. I was in doubt. I reacted like a child. I went to the flat between 15 and 18 March. Ibrahim was no longer there. There was only Khalid and another guy I had never seen before. I didn't know how long he had been there. Khalid said to me that he and his brother were*

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<sup>1847</sup> Extract from the article in *La Derniere Heure*: "*The man shot by a sniper is Mohamed Belkaid, an Algerian born in 1980 and illegally residing in Belgium. He was not known to the justice system except for a simple theft in 2014. Next to his body, a Kalashnikov, a book on Salafism and a flag of the Islamic State.*"



*"The OCAM (Organe de coordination et d'analyse de la menace) maintained Wednesday the level of terrorist alert at 3 (on a scale of four), Prime Minister Charles Michel announced Wednesday after a meeting of the national security council in Brussels.*

*He made a brief statement to the Belgian and international press who came in large numbers to 16 rue de la Loi. This means the continued deployment of police and military forces on the streets," added Mr Michel.*

*"Our intention is to remain fully mobilized", said the head of the federal government (...)" (Rep.*

*26158/16, MOD15, CB, SF1, 36}*

<sup>1848</sup> 26158/16, MOD15, CS, SF1, 36

<sup>1849</sup> 26158/16, MOD15, CS, SF1, 3 <sup>1850</sup> PV 15864/16 (MOD15, CS, SF1, 42)

*involved in organized crime and that they were trying to shift it onto my shoulders. I believed him, I was in doubt. He told me that he had to leave soon. He told me he was leaving on Tuesday. On Monday I went there and they said they were leaving on Wednesday"*<sup>1851</sup> -

When asked about his reaction by the examining magistrate, he replied

*"At that moment, I am shocked. Then I think, this is not possible... They say that Salah gets caught and that he rent the Dries Street flat. I say to myself that it's not possible, I had a moment of fear. I think it's not possible that it's them. You ask me what was my reaction, what did I do? I didn't do anything. I wanted to throw Khalid out. I went to see him at the apartment. I didn't tell him about it (rue du Dries), but he said that it wasn't true, that they had done some robberies, so they wanted to pin it on them. It was him who told me about this. I didn't know"*<sup>1852</sup>.

Smail FARISI keeps coming to the studio. He brings drinks and food or takes down the bins for them.

## **2. After the attacks of 22 March 2016, Smail FARISI erases the traces of Khalid ELBAKRAOUI and Osama KRAYEM**

On the morning of 22 March 2016, Smail has an appointment at the OCMW in Etterbeek. He declares :

*"I slept at my parents' house and when I got up, I watched some TV. They had perfected the attacks at Zaventem airport. I watched a bit and couldn't get out of the TV"*<sup>1853</sup> -

Smail FARISI says that it was when he saw the photo of the three suicide bombers pushing their trolleys in the departure hall that he had a trigger:

*"I understood when I saw it on 22/03 and I understood that the EL BAKRAOUI brothers were involved in the attacks.*

*I reply that I don't know why. I immediately felt that it was them. Maybe I couldn't believe it at the time. The resemblance struck me immediately"*<sup>1854</sup> -

He tries to go to his appointment but, because of the difficulties of getting there, he goes to a café where he learns that an attack has taken place in the Maelbeek metro.

<sup>1851</sup> PV 017702/16, MOD 15, C 4, SF2, 28A

<sup>1852</sup> Interview JI MOD 9, C7, SF2, 3

<sup>1853</sup> PV 15864/16, MOD9, C7, SF2, 1

<sup>1854</sup> PV 017702/16 (MOD15, C4, SF2, 28A)

*"I wanted to go to a friend's house in Saint Gilles but he didn't answer my call. So I decided to go back to my parents"*<sup>1855</sup> -

According to his mother, *"on the day of the attacks in Brussels, Smail left early in the morning around 8am because he had an appointment at the C.P.A.S., when he came back around 11am, Smail had trouble breathing, I think that at that moment he already felt betrayed"*<sup>1856</sup> .

Smail FARISI quickly decides to empty the studio with the help of his little brother Ibrahim and to end the rental.

On 22 March 2016, between 16:36 and 16 h. 42, Smail returned to the studio in the Avenue des Casernes. He says he doesn't notice anything in particular *"there was just a smell of musk"*<sup>1857</sup> .

On several occasions, he goes to look through his mailbox.

As of 22 March 2016<sup>1858</sup> , Smail FARISI is worried about whether "they" will return his badge.

Meanwhile, Osama KRAYEM returns to Herve BAYINGANA MUHIRWA.

On 23 March 2016, the press published an article under the title *"The real role of the EL BAKRAOUI brothers in Paris attacks"* detailing the rental of the Charleroi flat by Khalid EL BAKRAOUI<sup>1859</sup> . The newspaper questions their role: *"What were they doing in the flat rented by one of the EL BAKRAOUI brothers? They were hiding, that's for sure. But for what purpose? To commit new attacks or to evade the police since the Paris attack? (...) They are signed to be urgently sought"*.<sup>1860</sup>

On 23 March 2016, the day after the attacks, the premises were completely empty and he hurried to change the lock of his studio: *"I did this work on 23 March"*<sup>1861</sup> .

Camera footage from the Avenue des Casernes shows Smail and Ibrahim FARISI arriving at 11:09 a.m. They go straight to the studio.

Smail FARISI stays there until 15. 38, at which time he comes out with two big garbage bags. During this time, Ibrahim FARISI goes back and forth.

The pictures confirm that the move takes place on 23 and 25 March 2016<sup>1862</sup> : the two FARISI brothers are present on both dates.

Ibrahim FARISI calls on his friend Redouan EL MOUSTAKIM from Taxi Vert, who will come with one of his colleagues to carry a first load.

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<sup>1855</sup> 15864/16, MOD9, C7, SF2, 1

<sup>1856</sup> 19408/16 (MOD9, CI, SFI, 6)

<sup>1857</sup> reconstitution of 17 June 2016, MOD11, C.2, SF11, 3

<sup>1858</sup> See the pictures in front of the mailbox

<sup>1859</sup> The report states that this flat: *"served as a hideout for the terrorists who committed the Paris attacks. In this safe house, traces of the passage of Abdelhamid ABAAOUD and Bilal HADFI were naturally retraced in the weeks that followed the Paris attacks. It should be remembered that it was from this hideout that the terrorists left for the French capital..."*.

<sup>1860</sup> report 26158/16, MOD15, CS, SFI, 36

<sup>1861</sup> report 30689/16, MOD9, C7, SF2, 5 <sup>1862</sup> PV 19825/16 (MOD15, CS, SF2, 13A

On 25 March 2016, the two brothers returned to the building at 14:01.

Smail FARISI has already left the address when his brother Ibrahim calls another taxi to take the rest of the stuff in a white van.

As for the destination of the objects removed, there are many contradictions, with everyone defending a different position:

Smail FARISI stated before the examining magistrate that *"Everything was thrown in the trash and it was from terrorists, but I didn't know they were terrorists. (...): There were bags that I threw away, those that did not belong to me. There was a strange backpack, I'd never seen a backpack like that, hiking style backpack, it was special, it was different from the others, it was very big, purple colour I think. You ask me if it had a smell and I tell you it didn't and I threw it in the garbage outside my house. You ask me what was in it and I tell you it was empty, I searched well. (...) The day before the attacks, on the 21st, I didn't see this backpack in the flat"*<sup>1863</sup> .

Ibrahim FARISI initially stated that there were sport bags belonging to his brother, but that he did not see a backpack<sup>1864</sup> . It was only later that he admitted that there was a backpack and that apart from three bags of clothes left at his father's house, everything was thrown away at the Peterbos<sup>1865</sup> .

Redouan EL MOUSTAKIM explains that after having been deposited in an Islamic Relief box, they emptied the entire contents of the taxi onto the pavement of Smail FARISI's father<sup>1866</sup> .

From a confrontation<sup>1867</sup> organized between Mustapha FARISI the father of Smail FARISI and Redouan EL MOUSTAKIM, it appears that:

Redouan EL MOUSTAKIM confirms that all the contents of his van are deposited at the entrance of Ibrahim FARISI's father's garage and that he does not go through the Peterbos. On the contrary, he leaves the place, alone, as soon as the unloading is done.

Mustapha FARISI, after initially saying that the furniture remains in the car<sup>1868</sup> , then clarifies that he sees a hiking backpack, a hi-fi system, a TV cabinet and a television on the pavement but that he does not look at the contents of the van. He says that the backpack is still on the pavement when he closes his garage. He can't tell what happened to the stuff.

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<sup>1863</sup> interrogation EM of 11 April 2016, MOD9, C7, SF2, 3

<sup>1864</sup> Interview report of 11 April 2016, MOD9, C7, SF3, 3

<sup>1865</sup> 17312/16, MOD9, C7, SF3, 4

<sup>1866</sup> reconstitution of 17 June 2016, MOD11, C.2, SF11, 3

<sup>1867</sup> 016586/16, MOD15, C3, SF2, 42

<sup>1868</sup> 016539/16), MOD15, C3, SF2, 38



Fatiha EFEKIRAN, the mother of Smail and Ibrahim FARISI, is present during a search carried out at the address<sup>1869</sup>. She explained that she had washed all the belongings brought back from the Avenue des Casernes and that she had then stored everything in her house. She confirms the presence of furniture (TV, etc...). However, she states that there was no backpack.

On 25 March 2016, Smail FARISI telephones his landlord to terminate the lease, claiming to be depressed and wanting to live with his girlfriend<sup>1870</sup> -

### 3. Testimonies of Smail FARISI's close friends

#### a) The BOURHIDANE brothers

The BOURHRIDANE twins are childhood friends of Smail FARISI. They grew up together in the Peterbos district and see each other 3 to 4 times a week on average.

Smail FARISI regularly invites Houcine BOURHIDANE to his home to spend the evening<sup>1871</sup>.

His brother, Mouhcine BOURHIDANE, also accompanies the accused on his outings and sometimes lends him his car. According to Smail, they had at one time considered renting a flat together in Anderlecht to share the costs. Mouhcine denies this.

After November 2015, the surveillance camera images no longer record the presence of the BOURHIDANE brothers in the building. Only Mouhcine BOURHIDANE's car is seen in front of the building on Avenue des Casernes when Smail FARISI visits his studio.

In an interview following the arrest of Smail FARISI, Mouhcine BOURHIDANE explains things as follows:

*"When 'they' were there, you couldn't go up, you had to wait downstairs. He didn't let anybody up anymore. At your request, I don't know who 'they' I just told you about are. I've never seen them. He hid everything. I don't know where I stand in time, but I certainly haven't seen them. If I had seen them, I would have called the police"*<sup>1872</sup> -

Smail FARISI retorts, *"On 11 and 12 November, he came back with me, you only have to see the cameras. Ibrahim was not there but he could have returned. Hide what? After 22 March, people are fantasizing."*

*"I didn't hide anything (...) Besides, to my girlfriend, (...) I said I was hosting some childhood friends from school. Why would I say anything else to my childhood friend?"*<sup>1873</sup> -

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<sup>1869</sup> 16296/16, MOD11, CI, SF8, 2

<sup>1860</sup> Contact Carine ERN ENS, rep. 017355/16 (MOD15, C3, SF2, 45).

<sup>1871</sup> rep. 30221/18, MOD9, C3, SF2, 33

<sup>1872</sup> 11155/17 (MOD9, C2, SF1, 15)

<sup>1873</sup> 36971/17, MOD9, C7, SF2, 6



For Houcine BOURHIDANE, who says he is closer to Smail FARISI than to his brother Ibrahim<sup>1874</sup>, the explanation is:

*"He told me that there was a girl staying with him. Sometimes I went there but I was not allowed to go up to the flat, supposedly because there was the girl"*<sup>1875</sup>.

And as Smail FARISI would not be in the habit of lending or subletting his flat, Houcine BOURHIDANE then completes his remarks:

*"It is not Smail's habit to lend his things in general. That's why I believed him when he told me not to go up to his place because his girlfriend was in his flat. I would like to inform you that Mouhcine and I have already been seen at Smail's place, and we have even slept at his place. The fact that he didn't let me go up to his place because his girlfriend was there didn't surprise me because I would have done the same thing in his place"*<sup>1876</sup>.

Smail FARISI denies having said this: *"From time to time, I would tell him that I was going to see my girlfriend in Etterbeek, but I never told him that a girl was occupying the flat"*

After the Brussels attacks, Mouhcine BOURHIDANE went back into the building: He is the one who helps Smail FARISI to unclog the toilet and to "fix" the lock of his studio<sup>1878</sup>.

Smail FARISI tried again to repair it on 27 March with Mouhcine BOURHIDANE, in vain. He ended up calling a next-door neighbour, Alexandre LEGRAND<sup>1879</sup> to ask for this service on 2 April 2016 in a rather angry manner:

*"As he was leaving, Smail said to Alexandre "we'll see if you honour your words". It was about the fact that Alexandre had agreed, in return for payment, to do his repairs. I was to come the next day, and they had arranged it. But the reflection was strange, it came out of the blue and said in a slightly arrogant tone"*<sup>1880</sup>.

Smail FARISI did not talk to the twins about "terrorists" either before or after the attacks.

Mouhcine BOURHIDANE explains that on 22 March :

*"We were at my brother's house, in Saint-Gilles. We were all three watching the TV news. He was mute, he said nothing"*<sup>1881</sup>.

His brother Houcine confirms this:

*"We drank, but that day he drank a bit more. The previous days he drank a bit more too. Looking back, I think he wasn't well. At one point, when we were watching the events, he asked me to leave the house. I thought it was just to get some fresh air, but as I look back, I think it was because of what we were seeing in the media"*<sup>1882</sup>.

*"Between 22/03/2016 and 08/04/2016 I saw Smail several times, he sometimes slept at home, I noticed that he drank a lot more, he didn't look well, he was weird but he never talked to me about what was wrong"*<sup>1883</sup>.

b) Hanan ASLI

The accused does not confide in his friend either: Hanan ASLI only learns of Smail FARISI's situation when he is arrested. *"He was mysterious and secretive (...) very introverted about himself", she says*<sup>1884</sup>.

Before the attacks, Smail FARISI did not mention the name of the person to whom he had sublet his flat: *"Even if he was talked about them, he did not mention his first name (...) Before the attacks, he talked about 'the other one' or 'the other ones'"*<sup>1885</sup>.

On 22 March, Hanan ASLI does not see Smail FARISI, but they contact each other by phone:

*"When I explained to him what had happened and that the mother of a child coming to our nursery might have died in the Maelbeek metro bombing, he broke down, he felt sorry for the woman.*

When they meet on 25 March 2016, he tells her he has problems with his front door and wants to leave his studio.

*"He was in a collapsed, scared state. It was the first time I had seen him like that in the 6 months we had been together. He told me a lot of things about us and apologised to me. He asked me again about the little boy in our nursery who lost his mother in the bombing. He was terribly touched by this story and was upset. He didn't really look at me with his eyes (...)*

*I also told him that I had to write something on the floor at the Bourse in memory of the victims. He then asked me to write something on the floor in his name and to sign his name. This surprised me because he was rather discreet"*<sup>1886</sup>.

Hanan ASLI writes what he has been saying regularly since the attacks:

*"I AM SMAIL I AM BRUXELLO-BRUSSELS", "I DO NOT UNDERSTAND I DO NOT APPROVE. SMAIL".*

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<sup>1882</sup> PV 11156/17, MOD 9, C2, SF1, 16

<sup>1883</sup> PV 30221/18, MOD9, C3, SF2, 33

<sup>1884</sup> PV 777 /18, MOD9, C3, SF1, 31

<sup>1885</sup> PV 777/18, MOD9, C3, SF1, 31

<sup>1886</sup> PV 777/18, MOD9, C3, SF1, 31



In the days that followed he was upset, distant. He spoke little.

**"He also regretted not having left his flat, as I often told him around December 2015 - January 2016. (...) He was also overwhelmed with the story of the door that he did not know how to fix"<sup>1887</sup> -**

The couple met again on 7 and 8 April: *"We saw each other at a local gift shop, late, around 10 pm. He absolutely had to tell me something but he didn't know/want to tell me. But I felt that something was happening. Later, (...) I asked him why he didn't tell me. He told me it was to protect me"*<sup>1888</sup> -

*"Smail explained to me that when his flat was shown on TV, he decided to go to the police and so he and his brother went to a police station near his flat. Both of them were arrested on the way"*<sup>1889</sup> -

For the rest, Hanan ASLI replied to the investigators' questions that she did not know his nickname, and that "Fumier" did not mean anything to her and that *"yes, Smail told me about an empty backpack, I don't know what else to tell you. Q: I want to make it clear that it was me who brought up the story of the backpack and this was because of what I had read in the press, I needed to understand, to know... Smail told me that there was indeed an empty backpack in his flat and that he had got rid of it.*

Hanan ASLI adds that according to her, *"Smail did not act alone, I mean he was probably advised by his family not to go to the police to denounce or to move out of his flat"*<sup>1890</sup> .

The young woman took long notes of the telephone conversations she had with Smail FARISI when he was in detention<sup>1891</sup> . She gave them to the investigators<sup>1892</sup> . They contain sentences spoken (in substance) by Smail FARISI:

*"I should have gone [to the police], but I was afraid Hanan, and my family too. I wasn't well, I was about to become mad when I saw that it was them. Especially because on the 15th of March, I went to find them and asked if they were involved in this. They said "no, you're a kid, no, it's just banditry and we're going to leave". I kept going to them all day long and I wanted them to leave and to know that I was behind them.*

*"I took it and went home. I was reassured by what they told me but they weren't leaving until Monday 21st.*

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<sup>1887</sup> Rep. 777 /18, MOD9, C3, SFI, 31

<sup>1888</sup> Rep. 777 /18, MOD9, C3, SFI, 31

<sup>1889</sup> Rep. 777 /18, MOD9, C3, SFI, 31

<sup>1890</sup> Rep. 777 /18 (2nd hearing), MOD9, C3, SFI, 31

<sup>1891</sup> She explains her approach: "I wanted to try to understand what had happened, and it allowed me to see if Smail was telling me the truth... by reading back, I could check if Smail remained faithful to his declarations or if he changed his version of events.

<sup>1892</sup> Rep. 2364/18, MOD 15, C 24, SF 1, 22

*"I didn't cheat on you (as you write to me), I didn't know, Hanan, that it was going end like that. I'm going to kill myself, so please don't add to it. I regret it already, I think about it all the time within my four walls.*

*"My brother has nothing to do with it, I don't even understand what he has to do with it. He supported his brother. He is a real brother".*

And she also noted the sentences she says to Smail FARISI. Among them:

*"I had a hard time, Smail. I felt betrayed again, abandoned, rejected. Your family knew it. And me, nothing. Who am I?"*

*"It's horrible for me. Have you thought about me? All your family knew, and me nothing. Did you think of the consequences, of my family who would have kicked me out?"*

#### **4. The audio "Fumier" is intended for Smail FARISI**

Among the files recorded by Ibrahim EL BAKRAOUI on 21 March 2016, is the file entitled "Fumier".

Ibrahim EL BAKRAOUI thanks "*his brother*", lamenting the fact that they did not have the opportunity to meet again but thanking him for everything he did for them...

Copy on the USB disk seized at Ali EL HADDAD ASUFI's home, the title of the file "fumier" was changed to "fermière" (Farmer)<sup>1893</sup> without the investigation being able to determine when and by whom.

But the content of the message that Ali EL HADDAD ASUFI was asked to communicate to "Fumier"<sup>1894</sup> is the same as that found in the P.C.

The survey sought to determine who this nickname might refer to.

- According to Ali EL HADDAD ASUFI, *Fumier" is the nickname of FARISI Smail{ ...} I know that in his neighbourhood in Anderlecht, he was called so. I know that Ibrahim {EL BAKRAOUI} must also have known this nickname*<sup>1895</sup>.
- Smail FARISI admits before the investigating judge that at the beginning, "fumier" was the nickname by which he was called in the neighbourhood, "*it's a kid's trick*"<sup>1896</sup>, but it is "*possible*" that people called Ibrahim "*Fumier*" and that he later took up the nickname that was his at the beginning.

He said that "*it already came from the Cartigny school. I don't know why. I think it's because I used to say the word "fumier" all the time. It became like a nickname. It's a nickname that was attached to me until a few years ago*"<sup>1897</sup>.

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<sup>1893</sup> rep. 25745/16 (MOD15, C8, SFI, 30D)

<sup>1894</sup> as well as other messages addressed to other people (to Yassine ATAR, to "Maman Bims ", ...)

<sup>1895</sup> Rep. 17040/18 (MOD9, C6, SF2, 20) and rep. 47535/17, joined by 24815/18 (MOD15, C26, SFI, 5)

<sup>1896</sup> interview EM, MOD9, C7, SF2, 10

<sup>1897</sup> Rep. 006406/19 attached by 14629/19 (MOD 9, SF 7, SF2, 13)

Also asked about the nickname he seems to have adopted, Ibrahim FARISI, explains:

*"Yes, they call me "fumier". In fact, at first they called my brother that. That was when we lived in Peterbos.*

*Then I took over the nickname. It was a joke from my youth"*<sup>1898</sup>.

Ibrahim FARISI also acknowledges having named the only<sup>1899</sup> Facebook profile he claims to use "FUMIER\_PTBS" in reference to his "childhood nickname". And he claims that the audio with the title "Fumier" is not intended for him, confirming that he does not know *"this person [EL BAKRAOUI], nor him [Ibrahim], nor his brother [Khalid]"*<sup>1900</sup>.

When asked about the "Fumier" mentioned in the audio, Smail FARISI replies: *"Between me and my brother, it's me. If you ask me if it is addressed to me or to my brother, it is addressed to me. My brother, he has never seen EL BAKRAOUI"*<sup>1901</sup>.

#### **D- STATEMENTS BY SMAIL FARISI**

##### **A. The statements of the accused to Smail FARISI**

Mohamed ABRINI does not know him<sup>1902</sup>, Herve BAYINGANA MUHIRWA either<sup>1903</sup>, nor Bilal EL MAKHOUKHI<sup>1904</sup>.

Osama KRAYEM recognises Smail FARISI on a picture:

*"I saw him once, he came once to the flat in Etterbeek a few days before the operation. I think he was a friend of the other one. -But I don't know him.*

*You ask me if Smail (Khalid EL BAKRAOUI) was present during the visit of FARIS, I answer you that he was because he did not come to visit me because I did not know him.(...) I don't think he was involved in the attacks, I think he was just a friend of the other one. As for the other person (Ibrahim FARISI), I don't have ever seen.*

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<sup>1898</sup> PV 9804/18, MOD 9, C. 7, SF 3, 5

<sup>1899</sup> But the investigation revealed that Ibrahim FARISI also used another Facebook profile "Fumier Bouvy" which was never in contact with the Facebook accounts of the persons named in the file (PV 31240/18, MODIS, C26, SFI, 16A)

<sup>1900</sup> PV 9804/18, MOD9, C7, SF3, 5

<sup>1901</sup> PV interrogation JI, MOD 9, C7, SF2, 10

<sup>1902</sup> PV15784/16 (MODLS, C2, SF2, 20)

<sup>1903</sup> PV 008253/21, MOD21, CI, 6

<sup>1904</sup> PV 19440/16 (MOD9, C6, SFI, 4)



*You ask me how many times I have seen the man with the blue jumper {Smail FARISI}, I answer you only once in a party "1905-*

However, Osama KRAYEM had previously acknowledged that Smail FARISI had come to the address on several occasions, saying that "*Smail FARISI brought food*"<sup>1906</sup>. He added that "*Smail was chatting with Khalid. He had a fearful behaviour. Sometimes he refused to fetch things when asked. He was afraid. Q: I don't know what he was afraid of. He had a strange behaviour*"<sup>1907</sup>.

In a subsequent hearing, he expressed his opinion about Smail FARISI:

*"He is a poor man because he was not part of the group responsible for orchestrating the attacks, his name should never have been in the file, he had nothing to do with us, with the group. He also claims that "the renting of the flat by FARISI was already given in preparation, he didn't know why, but the others had already asked to rent a flat in his name. These are long-term preparation"* <sup>1909</sup>.

He says that Khalid EL BAKRAOUI told him this, and that it was not a deduction on his part:

*"Farisi said that there was no problem when Khalid asked him to take an apartment in his name and that Khalid would pay for the home. But there was nothing in the accommodation to suggest that anything was going to happen. Q: It is important to know that the flat was originally for Ibrahim, that he was not expected to die in the attacks"*<sup>1910</sup> -

Ali EL HADDAD ASUFI claims to have "crossed paths" with Smail FARISI "gore du Midi", while he was with Ibrahim EL BAKRAOUI and that "*Smail wanted to show his flat*"<sup>1911</sup>.

When the investigators confront him with the photos in which he is seen with Smail FARISI going out together with the bags, he admits that he never "*talked about the address because I didn't want to incriminate FARIS*". With what he did he is in jail. You point out that FARISI was not arrested until much later and that I could have talked about it at my first hearing. I was afraid" <sup>1912</sup>.

He finally acknowledged "friendly visits" to the address, notably with others, such as EL AJMI Youssef and Smail FARISI, during which we talked "*about everything and nothing*"<sup>1913</sup>.

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<sup>1905</sup> Rep. 15937/16, MODLS, C3, SF2, 11

<sup>1906</sup> 23397/16, MOD9, CS, SF 1, 6

<sup>1907</sup> 23397/16, MOD9, CS, SF 1, 6

<sup>1908</sup> 17683/18 (MOD9, CS, SFI, 16)

<sup>1909</sup> 17683/18 (MOD9, CS, SFI, 16)

<sup>1910</sup> 21986/18 (MOD 9, CS, SFI, 17)

<sup>1911</sup> 24901/16 (MOD 9, C6, SF2, 2)

<sup>1912</sup> 24901/16 (MOD 9, C6, SF2, 2)

<sup>1913</sup> 26201/17 (attached by PV32124/17, MOD9, C6, SF2,19)

## **B. Statements by Smail FARISI**

Smail FARISI admits to having sublet his studio to Ibrahim EL BAKRAOUI, a school friend of his whom he trusted. But, he tells psychologist DE MOL, *"I was betrayed. I was labelled a terrorist and a murderer"*<sup>1914</sup>.

To hear him tell it, neither the arrest of Mohamed BAKKALI, whom he met in his studio in November 2015<sup>1915</sup>, nor the publication of the photographs of the EL BAKRAOUI brothers on 15 March 2016, nor the events of the Rue du Dries, nor the press articles referring to it, nor the presence of Osama KRAYEM in the same studio could shed light on the activities of the group in which the EL BAKRAOUI brothers were participating.

He is said to have been manipulated by his friends who he asked to leave.

### **1. About Ibrahim EL BAKRAOUI and the installation of his brother Khalid in his studio**

*"I used to be a friend of Ibrahim EL BAKRAOUI; we knew each other at school, we were not in the same class but in the same establishment, the Rene Cartigny Institute (...). I finished my studies in 2003 and we continued to see each other for a year or two. We got along very well in school, he was nice, he had no vices. He didn't smoke or drink. From 2004 - 2005, we parted ways and I learned that he had been in prison. When he was released from prison, a few months ago, we met again. He didn't know where to sleep and I offered him to sleep at me in exchange for a small contribution to the home. I found him immediately as he was when we were kids and from time to time I came to get some money from him. (...)*

*Shortly afterwards, EL BAKRAOUI Ibrahim came to live in the flat. (...)*

*I just came to pick up my mail if I had an appointment with the social worker of the CPAS. From time to time, I would take the opportunity to go up and see if there was any damage. I would just look around and leave. About a month or two after EL BAKRAOUI Ibrahim came, I found myself with his brother Khalid EL BAKRAOUI in the flat.*

*(...A few days later,) I had to deal with Ibrahim and I asked him about the extra bed [that had been installed in the studio].*

*He explained to me that it was for his brother Khalid and that it was only for a few days and then they would both leave.*

*I met Khalid several times. I noticed that he was different from Ibrahim and we got along better than with his brother.*

*At a certain point, Ibrahim EL BAKRAOUI disappeared and I found myself with a flat that was occupied by Khalid. I was confused and I didn't know how to make him leave*"<sup>1916</sup> .

*But in an earlier hearing, he said: "It was because there was the seafood market and he had to leave the hotel and he didn't know where to sleep. But it was only for a few days. I didn't want to rent my flat. (...) The reason they give me is that it's the seafood market and there is no more room in the hotels. It was supposed to be a short period, not 6 months, a few days"*<sup>1917</sup> .

## 2. About his activities on site

Smail FARISI claims that he only talked about harmless subjects with the EL BAKRAOUI brothers:

*"We never talked about the Paris attacks with Ibrahim. There was nothing in our flat that could connect us to the events. No television, no newspapers, no Internet. I found him very zen, very calm. I didn't notice any change in Ibrahim's attitude after Paris attacks"*<sup>1918</sup> -

*"Khalid and Ibrahim did not get along very well. It was tense. There was not much communication between them (...)*

*For me, it was just two guys from the neighbourhood who were in my flat and sublet it (...).*

*The EL BAKRAOUI brothers did not drink alcohol in the flat. I never saw them doing it. I have seen one and the other praying from time to time but it was not constant"*<sup>1919</sup> -

*(With Ibrahim,) we were talking. There was a Playstation with a joystick. Ibrahim brought a second joystick afterwards (...). We didn't communicate with this console because there was no internet because of the unpaid bills"*<sup>1920</sup> -

*They were often asleep when I arrived. They were playing Playstation, breaking eggs, making Lipton. Just normal. Sometimes I ate with them or played Playstation (...)"*<sup>1921</sup> -

*"I can assure you that we did not talk a lot with Khalid and with Osama not at all as he did not speak French. I was kind of a spectator of my life and what was happening to me with my flat. He had told me he would leave on March 22 "*<sup>1922</sup> -

<sup>1916</sup> PV 15864/16 (MOD15, CS, SF1, 42)

<sup>1917</sup> PV 36971/17 (MOD9, C7, SF2, 6). It is not possible that the holding of the SEAFOOD fair was the reason for the presence of EL BAKRAOUI Ibrahim in the flat in Avenue des Casernes from 04/10/2015 as this took place from 21/04/2015 to 23/04/2015" (47419/17.MOD15, C21, SF1, 6)

<sup>1918</sup> PV 14629/19, MOD 9, C7, SF2, 13

<sup>1919</sup> PV 006406/19, attached by PV 14629/19 (MOD9, C7, SF2, 13)

<sup>1920</sup> PV 17702/16 (MOD 9, C7, SF2, 4)

<sup>1921</sup> PV 036971/17 (MOD9, C7, SF2, 6)

<sup>1922</sup> PV 11871/19, MOD 9, C7, SF2, 12

3. About the wig that Ibrahim EL BAKRAOUI is wearing on 13 January 2016

*"It was in January (...) When I arrived at the flat, Ibrahim was in the bathroom (...) When he came out I saw that he was wearing a cap and that a wig was sticking out of the cap. I asked him what he was doing and he told me that he had to follow someone because that person owed him money. (...) We went out together and on the way I thought that maybe he was on a robbery or something because I knew his past. At one point, he got on a tram and I said to myself that it wasn't a robbery because I said to myself that he didn't have a gun, or a car, or anything. I thought that maybe he had to follow someone to get his money back. What is certain is that I made no connection between this wig and terrorism<sup>1923</sup>*

4. About the night spent in the presence of Khalid EL BAKRAOUI and Osama KRAYEM on 16 March 2016

*"(That day), I come back to the flat drunk and I see that there is no Ibrahim and that there is Khalid with a guy I don't know. Directly when I get home, Khalid takes me aside. He tells me the same day that what is said in the newspapers about him and his brother is false. It's just because they came from the big banditry and that the media was trying to blame them too. Khalid told me that anyway, they were going to leave in a few days. He had told me that they were leaving the flat on the 21st or 22nd of March but I didn't know that they were going to blow themselves up.*

*I had seen in a newspaper before I went to the flat that the EL BAKRAOUI brothers were on the front page. We saw their photo. But I didn't even try to understand what was going on. Q: I had a mixture of feelings when I saw this story. I was going to that flat with fear in my stomach. I wanted them to leave the flat.*

*I was completely drunk and slept on the floor that night, Khalid told me lies when I arrived at the flat.*

*He told me that Osama was a friend and that he was nice. I didn't dare to say anything because I was afraid of reprisals. Besides, Ibrahim was no longer at the flat and I don't know where he was. I never thought that the police would come to my house because of this story with El Bakraoui brothers. I was really afraid of them. Even more of Khalid than of Ibrahim. Khalid was a "social case", of filth. It is his nasty attitude that makes me say that.*

*To your question as to whether he threatened me, I say that he told me that I should keep my mouth shut and that in any case he was going to leave on 21 or 22 March<sup>1924</sup>*

*"I'm scared but I'm going to the flat and I want them to leave. Khalid takes me aside and explains that at first he asked someone to take him in and then when he refused he tried to detain him.*

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<sup>1923</sup> PV 036971/17 (MOD9, C7, SF2, 6)

<sup>1924</sup> PV 14629/19, MOD 9, C7, SF2, 13



*He says that they are trying to pin it on him because of his position in the big banditry. At that moment, I believe him.*

*<< {Osama KRAYEM) looked like an Arab or a South American. I had seen him in the evening when I came, he was already there and so I slept on the floor. I slept there because I had drunk<sup>1926</sup>*

*"I tried to put pressure on Khalid to leave. He said that by Tuesday, they would be gone. On Monday 21/03/2016, I went back to the flat to see if they were leaving and if there was any damage. I saw that they were still there. Khalid told me that by Wednesday, they would be gone. On Tuesday, the attacks were committed "<sup>1927</sup> -*

*"First of all I was going to get them out of my flat, I had no other option, I would have liked to see what the other people would have done in my place. All I had was my diplomacy in front of the guys... I didn't know what to do to get them away, he told me that on the 22nd of March they would leave but he never told me that they were going to get blown up... I did what I could, I stayed in that flat with fear in my stomach and alcohol too... I think the fact that I was under the influence of 'alcohol helped me to get to the flat, I had no other solution, I found myself in disarray and fear. I had no other solution, I found myself in disarray and fear and I did what I could<sup>1928</sup>.*

##### 5. About the way he behaved

*"It's true that I made a bad decision by not reporting them to the police. I behaved childishly, in a panic. I was afraid. (...) The only bad decision I made was to not report them to the police after the events in Forest. I was taken for ride by these people "<sup>1929</sup>.*

*"I blame myself, I'll blame myself all my life for believing him. All I wanted was that he left my flat but not to kill people*

*If you are not well financially, professionally, if your life is not going well, you go and sublet your flat. I went there with fear in my stomach, but I had no one to turn to. I didn't have the strength to get them out. I used what I had, I just had kindness, I just wanted them to leave nicely.*

*Yes, of course, their faces were shown on TV, and yes, there is a before and after, and yes, I'm going to get them out, but I'm not Musclor, I have no other solution<sup>1930</sup>.*

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<sup>1925</sup> 36971/17, MOD9, C7, SF2, 6

<sup>1926</sup> interview JI, MOD9, C7, SF2, 3

<sup>1927</sup> 15864/16 (MOD15, CS, SFI, 42)

<sup>1928</sup> 11871/19, MOD 9, C7, SF2, 12

<sup>1929</sup> 17702/16, MOD 15, C 4, SF2, 28A

<sup>1930</sup> interrogation EM, MOD9, C7, SF2, 10

6. About the handing over of the keys :

*"We had not agreed anything before. I was supposed to get back my keys and access badges. It was not agreed that they would be blown up"*<sup>1931</sup>.

7. On the assistance provided to Khalid EL BAKRAOUI and Osama KRAYEM after 16 March 2016

*"Once Khalid asked me to go shopping, as I used to do for his brother. I took some food. He also asked me to buy him a tablet but I never saw it again. I bought it from Chaussee de Wavre, I don't remember which shop. I think it was a Samsung tablet, without a SIMcard, but he told me that when he left he would give it to me, but I never saw it again. Khalid was paying for his shopping. He gave me some money( ...). I would have done anything for him as long as it wasn't reprehensible"*<sup>1933</sup>.

Smail FARISI considers himself to be at home: to investigators who questioned him about the images where he is seen (on 18 March 2016) entering the flat and coming out 10 minutes later with a kind of "jar" in his hands, he replied that *"it is acacia honey. My friend Moucine who(...) had throat pain. I told him that I had some in Etterbeek. This pot belonged to Ibrahim and not to Khalid. As Ibrahim was no longer there, I thought I could take it"*<sup>1934</sup>.

8. About the day of 22 March 2016

He explains his behaviour after the attacks by panic: *"I'm not a terrorist, I love life and I wouldn't want to take a person's life even for religion. Maybe I made a mistake but I didn't know everything. I was afraid that maybe I was guilty, I didn't know"*<sup>1935</sup>.

Smail FARISI explains to the examining magistrate:

*"As soon as I saw what had happened, I panicked, I thought too much. You ask me if I made the link between the attacks and the names of the EL BAKRAOUI brothers? I answer you that I saw the pictures from the airport. I had to see something that made me click, I made the link. You ask me what the trigger was. I tell you I don't know, but something must have made me leave in a hurry. You ask me if I made the connection between the brothers and the other person who occupied the flat? Yes, but I couldn't believe it, I had to go to the flat"*<sup>1936</sup>.

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<sup>1931</sup> 017702/16 (MODLS, C4, SF2, 28A)

<sup>1932</sup> But in report 17702/16 (MOD 15, C 4, SF2, 28A), Smail FARISI stated that Ibrahim EL BAKRAOUI *"had a tablet. I was often on it. There was no more Internet because I had not paid my bills"* (we underline).

<sup>1933</sup> Rep. 36971/17 (MOD9, C7, SF2, 6)

<sup>1934</sup> Rep. 17702/16, MOD9, C7, SF2, 4

<sup>1935</sup> EM Interview Report, 11 April 2016, MOD9, C7, SF2, 3.

<sup>1936</sup> EM Interview Report, 11 April 2016, MOD9, C7, SF2, 3.



*"I walked back to my parents' house but I can't tell you what time. I stayed with my parents and watched TV and talked to them about it and then I think I took a nap"<sup>1937</sup>.*

Smail FARISI believes he recognises Khalid EL BAKRAOUI as "the man with the hat".

Hanan ASLI says she only learned of the EL BAKRAOUI brothers' presence in the studio well after the attacks<sup>1938</sup>. But according to her, Smail FARISI had confided in her father

*"I remember because Smail told me that they sat in the taxi, and I know that his father is a taximan"*

*"He told me that he had discussed it at length with all his family (father, sister, brother, ...) immediately after the attacks. The family was divided as to whether he should surrender or not. His family held him back and he then emptied his flat with his brother. His father and his little sister were against the idea of him turning himself in to the police. He was distraught and did not know what to do because of his family"<sup>1940</sup> -*

#### 9. About changing the lock:

*"As soon as I come to the flat I look in my mailbox. When I got the trigger and saw the information I looked at that mailbox looking for my keys. I think when I saw those pictures on the news, I got the trigger. I had a hard time believing it. I was very confused and panicked at the time"<sup>1941</sup>.*

*"I panicked, I didn't know who the gang was"<sup>1942</sup> -*

*"I was afraid that someone would come into my flat. I panicked and decided to change the lock on the front door. I changed it the next day"<sup>1943</sup> -*

*"I only had one key and one badge to enter the building. Ibrahim also had one key and one badge. I changed the lock just after the attacks. Before that, a duplicate key to the flat had been made but I got it back. At the moment I still have not got back the key and the badge I gave to Ibrahim"<sup>1944</sup>*

*"It's normal that I changed the lock and everything. I am not a murderer or a terrorist"<sup>1945</sup>.*

*"I'm changing the lock because I haven't found the key and the badge and I think they're not all dead"<sup>1946</sup>*

<sup>1937</sup> EM Interview Report, 11 April 2016, MOD9, C7, SF2, 3.

<sup>1938</sup> 777/18 (2nd hearing), MOD9, C3, SFI, 31

<sup>1939</sup> 777/18 (1<sup>st</sup> - hearing), MOD9, C3, SFI, 31

<sup>1940</sup> 777/18 (1<sup>st</sup>-hearing), MOD9, C3, SFI, 31

<sup>1941</sup> 017702/16 (MOD15, C4, SF2, 28A)

<sup>1942</sup> interview EM, MOD9, C7, SF2, 3

<sup>1943</sup> 30689/16 MOD9, C7, SF2, 5

<sup>1944</sup> interrogation JI, MOD9, C7, SF2, 3

<sup>1945</sup> PV interrogation JI, MOD9, C7, SF2, 3

<sup>1946</sup> 36971/17, MOD9, 7, SF2 6

10. As for the move and the moment when Smail FARISI takes the decision to empty the studio

Neither Smail FARISI nor his brother Ibrahim are clear on when the move was decided.

According to his brother Ibrahim FARISI, *"Already in September-October he told me that he wanted to leave the flat in Etterbeek. He had some of my things in that flat. I had to wait until my flat was ready before I could take my things back"*<sup>1947</sup> -

Smail FARISI nevertheless chooses to keep the flat and sublet it to Ibrahim EL BAKRAOUI<sup>1948</sup>.

In the same hearing, when the investigators asked him why he had moved on 23 March, Ibrahim Farisi replied: *"I don't know when Smail called me to offer to help me move (...). Already a week before the attacks he had told me that he had to move out"*<sup>1949</sup> -

According to Ibrahim FARISI, his brother wanted to move out between the Dries Street shooting and the Brussels attacks. This hypothesis is reinforced by the fact that Smail FARISI states *"(after sleeping in the studio [on 16 March 2016],) I tried to put pressure on Khalid to leave. He told me that they would leave and said that by Tuesday they would be gone"*<sup>1950</sup> -

But Smail FARISI also declares that on 23 March 2016, *"(...) I am taken by panic, I decide to leave the flat in Etterbeek. (...) When I wake up, I don't feel well. I know I was with my little brother. We went there on the 23rd and 24th [read 25th]. He was with me to help me. I asked him to help me with the move. I was also afraid to go back alone. I told him I had a problem. I don't know if I explained the whole story to him (...). I didn't think I could bring my brother to such a story. I didn't know who else to turn to"*<sup>1951</sup> -

During the reconstitution, Smail FARISI still refers to the date of 23 March as the date on which he decided to move out. He spent the evening of 22 March and then the night at home with *"his parents, his little sister and his little brother"* but, he claims, he did not tell them.

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<sup>1947</sup> PV 6403/19, attached by PV 14287/19, MOD9, C7, SF3, 6

<sup>1948</sup> Indeed, his landlord was only informed of his decision to terminate the lease on 25 March 2016 (PV 017355/16, MOD15, C3, SF2, 45).

<sup>1949</sup> PV 6403/19, attached by PV 14287/19, MOD9, C7, SF3, 6

<sup>1950</sup> PV 15874/16, MOD9, C7, SF2, 1

<sup>1951</sup> PV 017702/16 (MOD15, C4, SF2, 28A)

The investigating judges ask Smail FARISI "how he organized the move. He replied that the move was not organized and that he did not know if he was alone. We ask him when his brother Ibrahim became involved. He answered that he told him because he was afraid. He also says "I told him I was in trouble because I had taken in people I shouldn't"<sup>1952</sup> -

<sup>1952</sup> reconstitution of 17 June 2016, MOD11, C2, SF11, 3

*"It was me who decided to [empty the flat], I should not have, I know, but the anguish, the fear. I saw this flat as black, this whole area. I hesitated to go to the police but I decided to move out. (...) I asked my brother to help me <sup>1953</sup>".*

*"(on 23 or 24 March) I asked Ibrahim to give me a hand with moving. I just told him I had to move, that's all. (...) There were no specific instructions. Most of the stuff was mine. On reflection, I think it was him who gave me the instructions as to where to put the things in the flat. I don't know exactly <sup>1954</sup>.*

*"I didn't give my brother any instructions. (:it doesn't matter anymore. I tell him to take what he wants, the furniture, the coffee machine, the table... Q: for the rest, bags, clothes, suitcases, I told him to throw them away <sup>1955</sup>.*

11. About the backpack that contained the explosives and was left behind by Osama KRAYEM:

At his first hearing, Smail FARISI did not know what happened to the backpack that his brother had removed.

*"There was a strange backpack, I'd never seen a backpack like that, hiking style backpack, it was special, it was different from the others, it was very big, purple in colour I think. You ask me if it had a smell and I tell you it didn't and I threw it in the garbage outside my house. You ask me what was in it and I tell you that it was empty, I searched well. You ask me when I took this backpack and if it was the 22nd that I took it? I answer you that it was well after, I don't know what day exactly. The day before the attacks, on the 21st, I didn't see this backpack in the flat" <sup>1956</sup>.*

during these first hearings, Smail FARISI explained that he did not know that the bag had contained explosives

12. About Smail FARISI's convictions

Smail FARISI seems to be interested neither in religion, nor in politics, nor in Syria.

*"My behaviour and religion do not mix. I like alcohol, it's a vice I enjoy. I practice prayer from time to time, except when I drink" <sup>1957</sup>.*

*"I would never go to Syria, I would never kill anyone. We kill people and we go to heaven? heaven is a dumpster or what? and people go where? I am not a terrorist, I have never been a terrorist and I will never be a terrorist. I would never kill people <sup>1958</sup>.*

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<sup>1953</sup> PV 36971/17, MOD9, C7, SF2, 6

<sup>1954</sup> PV 30689/16, MOD9, C7, SF2, 5

<sup>1955</sup> PV 36971/17, MOD9, C7, SF2, 6

<sup>1956</sup> PV interview JI, MOD9, C7, SF2, 3

<sup>1957</sup> PV 17702/16 (MOD 9, C7, SF2, 4)

<sup>1958</sup> PV interrogation JI, MOD 9, C7, SF2, 10



BOURHIDANE Mouhcine declares for his part that

*"I know the guy (Smail) was not on a jihadist trip. Smail didn't have any hate speech towards the West, he listened to all kinds of music, he read books, I couldn't know what was going on..."<sup>1959</sup>.*

*He met Smail FARISI one day after his release, and asked him "how he had come into contact with these people (the terrorists). Smail told me that he had been put in touch with these people through a third party he had known at school. I asked him if this guy had anything to do with these terrorists as I didn't even know his name at the intermediary, but he said no, he had nothing to do with them. Smail said he also knew a bit about the others from the school"<sup>1960s</sup>.*

BOURHIDANE Houcine declares:

*"I'm surprised, because he's not just someone who prays, it's not his ideology. He was nice, cool, he liked life. I don't understand"<sup>1961</sup>.*

Hanan ASLI declares that Smail FARISI never made radical statements.

13. About the victims:

*"For the victims, I am sorry for all the victims, I never wanted any harm. I never wanted any harm or death to anyone"<sup>1962</sup>.*

**E - PSYCHIATRIC AND PSYCHOLOGICAL ASSESSMENTS**

**1. Psychiatric examination**

In their report of March 2017, the experts CHARLES and MRABET<sup>1963</sup> note that Smail FARISI is deeply affected by the label that the file gives him.

He describes himself as having been addicted to gambling and alcohol. He says that he has a good heart, and that he helps his friends easily, although he says that sometimes he asks them for money in return for his help because *"you have to live well"*.

The experts did not find any major psychopathology in him, nor any disturbance of the course or content of his thinking. They noted that *"the defendant realizes the antisocial aspect of his acts and is capable of understanding the meaning of the sentence"*.

If the facts prove to be judicial, the framework he will have to benefit from is social, aimed at the protection of society. There is little hope, given the parameters of the case, that

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<sup>1959</sup> PV 30217/18, MOD9, C3, SF2, 32

<sup>1960</sup> PV 30217/18, MOD9, C3, SF2, 32

<sup>1961</sup> PV 11156/17, MOD 9, C2, SFI, 16

<sup>1962</sup> PV interview JI, MOD9, C7, SF2, 10

<sup>1963</sup> Expert report MOD7, C.7, SF3, 4

in this context, it is important to note that there is no evidence of any impact of psychological treatment, even if it is possible to think of the benefits of a total cessation of all drug use in gambling rooms.

There is nothing in the examination to suggest that the respondent is incapable of controlling his actions.

At the time of the acts charged against him, FARISI Smail was neither in a state of dementia, nor in a serious state of mental imbalance, nor was he in a state of psychiatric illness. He is still in this state today.

## **2. Psychological examination**

Smail FARISI has requested<sup>1964</sup> a more precise expertise to shed light on the question of his IQ. And of his naivety or credulity.

The examining magistrate granted his request on this point and allowed the expert to consult various pieces of evidence from the procedure.

Doctor in psychology Jacques DE MOL will carry out this expertise on 17 May 2019. It aims To clarify the dominant personality and behavioural dynamics and to analyze his propensity to naivety and being manipulated.

The expert highlights Smail FARISI's :

an intellectual level bordering on mental retardation in the form of a slight sub-debilitation,

immaturity and fragility of the basic personality (borderline personality with phob-  
obsessional components, lack of intellectual, emotional and relational input)

and concludes by saying that "*based on intellectual, emotional and relational deficiencies In view of the fact that the defendant's behaviour was slightly submissive and his basic personality was immature, it cannot be ruled out that he may have been naive and therefore lacked foresight as to possible manipulation of him*"<sup>1965</sup> -

## **F - MORAL WITNESSES**

Mustapha FARISI, his father, is the only person whose moral testimony Smail FARISI wanted<sup>1966</sup> -

Smail is naive, reserved and shy: "(ii) can't say no, he always says yes".

He never received a visit from the police because of his son's behaviour. He should never have been called to school because of Smail's behaviour.

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<sup>1964</sup> Franchimont" request 61quinquies CIC of 15 September 2017, MOD 13, CI, SF6, 2

<sup>1965</sup> Expert report, MOD 7, C7, SF 10, 4

<sup>1966</sup> Rep. 12429/19, MOD 9, CS, SF5, 2



He knows that *"Smail tried to get people to leave his flat before the attacks but he didnot succeed..."*.

Smail is liked by everyone, he is kind and quite popular. Unlike his father, Smail does not follow religion.

Smail has no health problems, and his father is pleased that he now has a better lifestyle.

FFEKIRAN Fatiha<sup>1967</sup>, his mother, explains that Smail does not work. He gets CPAS grants and still lives in the family home. He lived in a flat for 3 months, but he came back home. He is a good son, helpful and caring. He always accompanies her to her medical appointments.

Smail, she says, *"is quiet, he is a nice guy"*. He and his brother Ibrahim *"live a modern religion (...) for them, Islam is politeness and respect"*.

*"When he came back home"*, Smail told his mother about Ibrahim EL BAKRAOUI who was looking for a place to live: *"When I warned Smail about the boy, he told me he was an old acquaintance of him from school, that he was aneducated boy and that the area was well secured with surveillance cameras."*

Smail and Ibrahim are not religious. They used to go out to nightclubs and both drink alcohol *"from time to time"*. For her, her sons are victims of their kindness.

Fatima FARISI<sup>1968</sup>, the sister of Smail and Ibrahim FARISI, insists that neither of them has ever faced justice. His two brothers are educated in the European way and are open-minded. The family cohabitation was going well. Their moves were justified by the fact that they wanted to *'keep their rights'*. She never went to the flat in the Avenue des Casernes.

The family is Muslim, but none of the children are religious. She insists that *"my brothers are innocent in this story (...). My brother Smail was betrayed by an old acquaintance. It could happen to anyone."*

Nadia FARISI<sup>1969</sup>, family's oldest child, left the family home in 2004. She explains that she visited Smail *"once"* in the flat in the Avenue des Casernes. He had rented it to have a little more independence and privacy. But he didn't feel at home there.

She ended her hearing by saying *"I know that my brothers are innocent and are not involved in what they are accused of. (...) Smail is a sensitive person who would not hurt a fly. Ibrahim is someone who likes to take care of himself, laugh, have fun and enjoy life. There is no way that they would be involved in this."*

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1967 PV 19408/16, MOD9, CI, SFI, 6

1968 PV 19325/16, MOD9, CI, SFI, 5

1969 PV 19622/16, MOD9, CI, SFI, 7

Bilal FARISI<sup>1970</sup> says he learned from the media that his brother Smail had a flat in Etterbeek. He has never been there. He also explains that "*even though my brothers took each a flat, they were almost always with my parents, we were always together under the family roof*". He has not noticed any change in the behaviour of either of them: they have always remained the same. He insists that "*we are against radicalisation, we are open-minded people*".

<sup>1970</sup> PV19634/16, MOD9, CI, SFI, 8

*For sworn translation from French into English 16RF339 on 07/15/2022*



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## CHAPTER X: IBRAHIM FARISI

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### A - PROCEDURE

Ibrahim FARISI was charged by the examining magistrate with "as author or co-author, or accomplice, participation in the activities of a terrorist group, murder in a terrorist context and attempted murder in a terrorist context".

He was put under arrest warrant issued by the investigating judge on 11 April 2016.

After briefly recounting the explosions and the discovery of the conspiratorial flat in Max Roos Street, the investigating judge gave the following reasons for the arrest warrant:

*"Ibrahim FARISI is suspected of having participated in the above-mentioned acts.*

*He would indeed have been the brother of the tenant and occupant of a flat located at 1040 Etterbeek, avenue des casernes, 39 which Khalid EL BAKRAOUI and Osama KRAYEM would have also occupied shortly before the events. It is probably from this flat that they walked to the Petillon metro station, where they were allegedly taken together, each carrying a rucksack. Immediately after the events at the Maelbeek metro station, Osama KRAYEM returned to the address, still carrying his rucksack, which there is reason to fear was also loaded with explosive material. He reportedly rang the doorbell, and someone opened it, which suggests that in addition to Khalid EL BAKRAOUI and Osama KRAYEM a third person was occupying the flat and was present at the time. The building being equipped with video surveillance cameras, it appeared from the analysis of these images that the brother of the accused was indeed present in the building on the day of the events (22/03/2016). In particular, he was filmed as he went to the house on numerous occasions (again at 9.24 pm), as if he was waiting for something important.*

*Regarding the accused, he would have gone to the flat on 23/03 to empty and clean the flat occupied by EL BAKRAOUI Khalid and Osama KRAYEM. With his brother, he is said to have taken belongings belonging to the alleged terrorists. There are contradictions between the accused and his brother as to the fate of the belongings taken from the address, the accused's brother referring to the accused as the one who took the belongings. In this regard, it is important to note that the items taken from the flat probably include a backpack which is believed to be Osama KRAYEM's and which may have contained an explosive charge. In particular, with regard to*

*this backpack, it is particularly interesting that the accused was allegedly seen by the building's CCTV cameras to be handling a backpack outside the building and to have given it to a third party.*

*The defendant denied any involvement in the events, claiming to be unaware of the nature of the reason why the flat was occupied and why it had to be emptied in a hurry. However, these allegations appear to be questionable insofar as they appear to be contradicted by the elements developed above, and in particular by the use of the video surveillance images of the building, but also by the fact that, after the police intervention in the rue de Dries in Forest and the publication in the press of the names and photos of the EL BAKRAOUI brothers, the police could not have been unaware that they were being sought after in a terrorist context.*



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*The defendant was also reportedly arrested in the immediate vicinity of the flat after the search there had just been completed.*

*The defendant has a criminal record for driving. he stated that he is currently on sick leave following a dispute he allegedly had with his ex-boss.*

Ibrahim FARISI was conditionally released<sup>1971</sup> on 16 November 2016 by the examining magistrates.

The Brussels Chamber has decided that there are no grounds to prosecute Ibrahim FARISI for the acts of murder and attempted murder that occurred on 22 March 2016<sup>1972</sup>.

On the other hand, it referred Ibrahim FARISI to the Criminal Court on the charge of participation in the activities of a terrorist group.

After having established the existence of sufficient and serious charges against Ibrahim FARISI, the Indictment Division of the Brussels Court of Appeal has, in judgment of 17 September 2021, sent the accused to the Criminal Court of the administrative district of Brussels-Capital, on the same charge.

#### **B - BIOGRAPHY**<sup>1973</sup>

Born on 5 October 1988 into a Muslim family, Ibrahim FARISI is the fourth of five children of the couple FARISI Mustapha and IFEKIRAN Fatiha.

He describes his childhood as 'calm' and 'sweet' and judges the family's atmosphere "excellent". With the exception of Nadia, the sister, all the children still live at home.

Ibrahim FARISI describes himself as honest and self-reliant, and a solitary one. He swims.

His school years were difficult: Ibrahim FARISI attended the same primary school as his brother Smail. He then attended the "Arts and Crafts" institute for a year, then learns catering at the Marie Immaculee Institute and finally returns to the 'Arts and Crafts' Institute, where he obtained a degree of the lower cycle in electricity. He was then directed to the heating-sanitary section.

But not liking school, he stopped studying after repeating his fifth year and went to Morocco to travel alone for a while.

Back in Belgium, he did some interim work and then became a taxi driver like his father.

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<sup>1971</sup> Order for release of arrest warrant with conditions, MOD 8, C3, SF2, 44

<sup>1972</sup> Order of the Council Chamber of 5 January 2021, MOD 16, C3, SF2, 26

<sup>1973</sup> The family history has already been mentioned in the biography of Smail FARISI. We will refer to it in part.



For eight years, he worked a lot of nights. Tired of his hours and unable to change them, he went to work for a new boss.

Ibrahim FARISI would like to start a family. He has been seeing Soumaya HADDAD for about 3 years. But in 2004, when he learned that her brother had left for Syria, he ended the relationship:

*« (because) I did not want any problems (...), I am against this vision of Islam, I am integrated, I like Belgium and I feel myself as a Belgian".<sup>1974</sup>*

In September 2015, following a quarrel with his mother, and the noise made by his nephews during the day, he left to occupy his brother Smail's flat on Avenue des Casernes. He only stayed there for ten days.

He left the flat at the request of his brother who "was going to bring someone back". Ibrahim FARISI says:

*"But I wanted to be at my parents' for my birthday so I left without protesting and went back to my parents. I thought the "someone" was girlfriend so I didn't want to stay."<sup>1975</sup>*

A few months later, he rented a flat which he renovated with the help of his brother Smail in Rue Edmond Delcourt in Anderlecht. In April 2016, this flat was searched on 9 April 2016 and the investigators found that it was still being renovated<sup>1976</sup>.

In terms of his judicial record, the accused has benefited from a suspension of a conviction for rebellion (decision of the Brussels Police Court of 30 October 2013) and driving offences in the context of his occupation as a taxi driver.

Ibrahim FARISI was also sentenced in absentia to 30 months imprisonment by judgment of 15 February 2022 by the Criminal Court of Brussels for assault and battery on public officials or the police, resulting in incapacity for work, assault and battery, insulting a public official, verbal threats with orders or conditions, rebellion and infringement of the law on racism and xenophobia<sup>1977</sup> - This decision is not final, however, as the accused has lodged an objection.

After his release from prison, he was hired by the CPAS of Anderlecht as a mediator at the reception.

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<sup>1974</sup> PV 9604/19, MOD16, C3, SFI, 3

<sup>1975</sup> PV 14287/19, MOD9, C7, SF3, 6

<sup>1976</sup> The paintings are recent rep. 9567/19 MOD16, C3, SFI, 4. In the hearing of Mustapha FARISI, there is still



no hot water in this flat as of 9 April 2016 rep. 15360/16 MODII, CI, SF6, 5  
1977 Brussels Criminal Court, 15 February 2022

## C - HIS INVOLVEMENT IN THE BRUSSELS ATTACKS

On Saturday 9 April 2016, when the investigators came to search the flat on Avenue des Casernes, Ibrahim FARISI accompanied his brother Smail to the building. They were spotted by neighbours who called the police, which led to their arrest.

The intervention of Ibrahim FARISI in this case is objective by analyzing the surveillance images of the building in the Avenue des Casernes.

If the assistance in the removal of the belongings left behind by Ibrahim EL BAKRAOUI and Osama KRAYEM was subsequent to the commission of the attacks, it was prior to the arrest of Osama KRAYEM and Mohamed ABRINI.

As Smail FARISI indicated to the investigating judge and Hanan ASLI at the hearing, the situation was discussed within the FARISI family prior to the move.

Family solidarity seems to have played an important role in the way things went:

The statement and writings of Hanan ASLI<sup>1978</sup> are very clear in this respect: the whole family is warned by Smail FARISI<sup>1979</sup>.

It was only on 9 April 2016, "*when the flat was shown on TV*", that Smail and Ibrahim FARISI decided to go to the police.

The removal assistance makes it possible to remove many traces of Khalid EL BAKRAOUI and Osama KRAYEM's passage as well as various important objects such as the mattresses and the backpack left by Osama KRAYEM in the studio.

### 1. Material assistance for the removal of the studio on 23 March 2016

When the investigators carried out the search in the Avenue des Casernes, the premises were completely empty.

Analysis of the building's CCTV footage shows that the day after the attacks, on 23 March 2016 at 11.09 am <sup>1980</sup>, Smail and Ibrahim FARISI arrived on the scene and were busy sorting through the objects and clearing the flat of all its contents.

<sup>1978</sup> Hanan ASLI's statement to the investigators reads: "*It's horrible for me. Did you think of me? All your friend knew, and I knew nothing. You thought of the consequences, of my family who would have thrown me out*" (cfr Rep. 2364/18, MODIS, C24, SFI, 22)

<sup>1979</sup> 777 /18 (first hearing), MOD9, C3, SFI, 31: '*I asked him why he had not contacted the police after the attacks. He told me that he had discussed it extensively with all his family (father, sister, brother, . . . ) directly after the attacks (...) His family held him back and he then emptied his flat with his brother. His father and*



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*his little sister were against the idea of him going to the police. He was distraught and didn't know what to do at the time. because of his family".*

<sup>1980</sup> PV 19825/16 (MODLS, CS, SF2, 13A)



At 14 h. 33, Ibrahim FARISI leaves the flat after having contacted a family member at 13:53<sup>1981</sup>.

a) Using a phone shop to contact the taxi company

It was not with his personal phone, but using the services of a phone shop that on 23 March 2016, Ibrahim FARISI ordered a taxi to help him transport the contents of the flat.

According to the statements of the accused, the use of a phone shop<sup>1982</sup> was justified by the fact that his telephone subscription was "suspended for non-payment of bills"<sup>1983</sup>. In no case he would have wished to guarantee the discretion of this appeal.

No information from the operator to confirm this statement for this period is attached to the file.

The telephone company indicates that only a few SMS are still being sent during the period mentioned<sup>1984</sup>.

According to Redouan EL MOUSTAKIM, the taxi driver<sup>1985</sup> contacted for the removal, Ibrahim FARISI asks him to come and pick him up on Avenue de Stalingrad to take him to the studio on Avenue des Casernes. The accused is taken to this meeting place by his father.

That day, a second taximan, Fouad BOURZINI, accompanied Redouan EL MOUSTAKIM, but he remained in the van during the whole move<sup>1986</sup>.

The number used by Ibrahim FARISI to contact the taxi company<sup>1987</sup> is that of a phonestop<sup>1988</sup> which could not be located<sup>1989</sup>.

Redouan EL MOUSTAKIM stated that he had joined the accused at the Andalousia café in the Stalingrad district to pick him up and go together to the flat on Avenue des Casernes. Fouad BOURZINI, who accompanied him, confirmed this:

*"When we are on rue des Tanneurs, Redouane told me that he had to take someone from rue de Stalingrad to do a removal. Our car was parked at the corner of rue des Tanneurs and rue Stalingrad. The appointment was made at the Andalousia café. This man saw our car and came towards us. I know that this man had to be dropped*

<sup>1981</sup> PV 18206/16 (MOD15, C4, SF2, 44)

<sup>1982</sup> The investigation showed that this call was made on 23 March 2016 at 17:00. 13 of a number "32101290000023 "This is a phone shop that has been used to contact various people suspected of being involved in the PV 016978/16 (MOD15, C4, SFI, 8) and PV 43020/16 (MOD15, C13, SFI, 13)

<sup>1983</sup> PV 17312/16, MOD9, C7, SF3, 4 and PV 9804/16, MOD9, C7, SF3, 5

<sup>1984</sup> However, in the event of a cut-off, these could be SMS messages which constitute requests to be contacted again (PV 43020/16, MODIS, C13, SFI, 13)



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<sup>1985</sup> rep.16835/16, MOD15, C4, SFI, 3

<sup>1986</sup> rep. 16836/16, MOD9, CI, SFI, 1

<sup>1987</sup> The number " 32101290000023 ".

<sup>1988</sup> Using a Voice Over Internet Protocol program, such as Skype or Viber.

<sup>1989</sup> PV 43020/16, MODLS, C13, SF1, 13



off by his father, a taximan, in Rue Stalingrad and was to be picked up there. I couldn't tell you whether Redouane had accepted this person's fare before I arrived or when he was driving (...). For me, I saw this man as a client who had to be removed "<sup>1990</sup>.

Ibrahim FARISI explains that he used a phone-shop "*which is located at Place Bara*"<sup>1991</sup> to reach Redouan EL MOUSTAKIM. But he also states that Redouan EL MOUSTAKIM called him back ten minutes later on his personal phone, which is not confirmed by the telephone company<sup>1992</sup>.

b) The use of a glove and the handling of the backpack

Surveillance camera footage from the Avenue des Casernes building shows numerous garbage bags, shopping bags, a television and two mattresses being in the van, as well as a backpack similar to the one used for the Osama KRAYEM on the morning of the incident.

Looking at these images, investigators are intrigued by the fact that Ibrahim FARISI appears to have put a glove on his left hand to handle the backpack<sup>1993</sup>. However, on 11 April 2016<sup>1994</sup>, Ibrahim FARISI told the investigating judge that there was no backpack in the the flat.

Redouan EL MOUSTAKIM also saw the backpack and noticed the detail of the glove:

*"When I pointed this out to him, he told me not to worry, not to touch anything, he would come down himself. He had gloves on when we were upstairs (...) He never offered to put on gloves and never told me why he put on gloves. I thought there was a family problem, he would have forced or broken the door or something like that but nothing alarmed me."*

He said that Ibrahim FARISI put on a glove when they were in the flat and told him "*Don't worry about your hands*". The witness did not see the second glove.

The wearing of the glove is also mentioned by the sister of the taximan, Siham EL MOUSTAKIM, who, during the search of the family home the day after the discovery of the studio, said what his brother told him:

*"My brother went to pick up this boy in Stalingrad. FARISI (Ibrahim) was with his father, which did not arouse my brother's concern. (...) My brother saw FARISI at a certain moment with gloves. My brother asked him about the reason for putting on the gloves but FARISI said that it was nothing, that it was his brother's apartment and that in this day and age, you should be cautious."*

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<sup>1990</sup> PV 16836/16, MOD9, CI, SFI, 1

<sup>1991</sup> PV 9804/18, MOD9, C7, SF3, 5

<sup>1992</sup> PV 18206/16, MOD15, C4, SF2, 44

<sup>1993</sup> PV 19825/16, MOD 15, CS, SF2, 13a

<sup>1994</sup> PV interview JI, MOD9, C7, SF3, 3

<sup>1995</sup> PV 16428/16, MOD 15, C3, SF2, 3



*My brother, Redouan, warned FARISI that if there was a dirty trick, he would go to the police. Redouan said he was sorry and did not want any trouble (...) My brother was very upset when he read this newspaper article yesterday (...)*

*(ii) went to my parents' house last night to get an explanation of what had happened as the father was also there on the day. FARISI father reportedly said not to worry as his two sons had gone to the police to explain what had happened to the flat. FARISI father told Redouan that he should not worry because he was not involved in the events and that it was just a small investigation"<sup>1996</sup>.*

Redouan EL MOUSTAKIM however moderated his sister's words and declared that "he did not suspect anything during the move"<sup>1997</sup> -

On 19 April 2016, Ibrahim FARISI was interviewed and admitted to having handled the backpack:

*"Well, that's normal, it was the first day. I was scared. I can confirm that I had it in my hands. It was empty. I had a few CDs of playstation music in it. It was me who put them in to take them away"<sup>1998</sup> -*

However, the accused does not remember putting on a latex glove. Instead, he thinks he put a handkerchief around his hand.

When questioned during the reconstruction, Ibrahim FARISI finally admitted that he had put on "a latex glove", found in the flat, along with a handkerchief "because he had been hurt with a glass in the kitchen". He explains he did that not to avoid leaving traces on the bag used by Osama KRAYEM, but not to stain the lift<sup>1999</sup> -

Witness EL MOUSTAKIM did not, however, see this wound before the accused put on this glove.

Analysis of other surveillance footage from the building reveals that Ibrahim FARISI only uses the glove for about ten minutes and then uses both hands to carry it<sup>2000</sup>. He does not appear to be injured either.

c) The disappearance of certain objects from the studio occupied by Khalid EL BAKRAOUI and Osama KRAYEM

As soon as the van is loaded, Ibrahim FARISI accompanies Redouan EL MOUSTAKIM and Fouad BOURZINI.

They put some bags of clothes to be collected for charity and then go to the FARISI parents' home to unload the clothes.

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<sup>1996</sup> 016467/16 (MOD15, C3, SF2, 35)

<sup>1997</sup> Statement made during reconstruction MOD 11, C2, SF11, 3

<sup>1998</sup> interrogation EM, MOD9, C7, SF3, 4

<sup>1999</sup> PV reconstruction MOD 11, C2, SF11, 3

<sup>2000</sup> PV 30637/16, MOD15, CIO, SFI, 58



After a detour to a bank counter, Redouan EL MOUSTAKIM drives Ibrahim FARISI near his home.

The statements of the taxi drivers, the FARISI brothers and their father differ as to what was actually left at the family home or elsewhere, and what was thrown away or taken by Ibrahim FARISI.

Ibrahim FARISI declares to the examining magistrate:

*"I helped (Smail) take things back. Are you asking me if I took clothes with me? No, I didn't take any clothes with me. You are asking me if there were any bags, like travel bags or sports bags? I had some sports bags that belonged to my brother. I had 2 or 3 of them in my wardrobe. You are asking me if I saw a backpack in the flat? No, I didn't see any backpacks.*

Then a few days later, he claims that :

*"the mattress, the backpack, two empty cloth bags, one bag" were dumped "at the Peterbos in block 18A"<sup>2002</sup> -*

The minutes drawn up following the re-enactment on 17 June 2016 quote Redouan EL MOUSTAKIM's statements:

*"Ibrahim FARISI told him that he was going to drop off some things at the Islamic Relief charity, in a bin provided by the institution. They went there and it was Ibrahim who sorted out what he was going to deposit there. The witness explains that they then went to FARIS's father's house who was apparently waiting for them. The latter opened the garage door halfway. M. EL MOUSTAKIM explained that he had unloaded everything and that the father of Ibrahim FARISI had taken the objects in the garage. (...) (as for the backpack), he says that it was taken away and either deposited at Islamic Relief or at FARISI parents', which he does not know anymore. I specify again that it was Ibrahim who took care of it"<sup>2003</sup> .*

Fouad BOURZINI, the friend accompanying Redouan EL MOUSTAKIM, declares<sup>2004</sup> that after loading the taxi

*"The passenger said he wanted to get rid of his clothes. He said he wanted to throw them away or give them to the "relief islamic" rue Ulens in 1000 Bxl near the Avenue du Port. I hesitated. He finally asked us to stop at Rue Ulens to drop off his clothes. He didn't pay any extra. He put his five opaque bags in the container of the donations. I heard the passenger say, " it's for my father and it's to throw away".*



For sworn translation from French into English 16RF339 on 07/15/2022

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<sup>2001</sup> JJ Interview Minutes of 11 April 2016, MOD9, C7, SF3, 3. But in a subsequent hearing, he stated "I

I get into the car with the two delivery men. I unload three bags in my father's garage with my brother's clothes. Then the three of us go to my flat where we unload the rest. The mattresses, the rucksack, two empty cloth bags and a Zeeman bag were thrown into the Peterbos in block 18A" (PV 17312/16, MOD9, C7, SF3, 4).

<sup>2002</sup> 17312/16 MOD9, C7, SF3, 4

<sup>2003</sup> reconstitution of 17 June 2016, MOD11, C.2, SF11, 3

<sup>2004</sup> And the Ulens Street crossing is confirmed by traffic camera images (PV 17668/16, MOD 15, C4, SF2, 23

*For sworn translation from French into English 16RF339 on 07/15/2022*



gifts. I heard the passenger say, "This is for my father and that is to be thrown out".<sup>2005</sup>

According to Moustapha FARISI, father of the accused, he had put only 3 garbage bags with the household linens (cushions, carpet, duvet cover, towels etc.) in the middle of his garage. Everything else would have been left in the truck. And he moreover specified that his wife had washed the linen again and thrown out the garbage bags.

During the reconstruction, Ibrahim FARISI declared that his backpack had also been left at the Islamic Relief charity centre.<sup>2006</sup>

Hence, the investigators could not find the mattresses, cushions, covers, clothes or the backpack that had been used by Osama KRAYEM and Khalid EL BAKRAOUI.<sup>2007</sup>

## **2. Material assistance contributed to moving from the studio on 25 March 2016**

On 25 March 2016, Ibrahim and Smail FARISI returned to the studio on Casernes Ave. at 14:01.

At 17:27, after Smail FARISI had left, Ibrahim FARISI again called Taxis verts.<sup>2008</sup> To do this, he used his usual telephone number.<sup>2009</sup>

At about 19:00, the final items remaining in this apartment were taken by Marouan FERRY<sup>2010</sup> and Salah-Eddine SADDIKI<sup>2011</sup> acting on behalf of Taxis verts.

According to Marouan FERRY, the apartment had already been emptied.

All belongings had been put in bags which were left in a garage next to a house located in Anderlecht.<sup>2012</sup> According to Ibrahim FARISI, these objects were taken to his house at 57 Delcourt St. in Anderlecht.

2005 Report 16836/16, MOD 9, C1, SF1, 1.

2006 Reconstruction report, MOD 11, C2, SF11, 3

2007 Report 016127/16, MOD15, C3, SF2, 26

2008 Report 27557/16 (MOD15, C2, SF2, 50B)

2009 "32483188182"

2010 Report 31302 (MOD15, C11, SF1, 5)

2011 Report 31208/16 (MOD15, C11, SF1, 3)

2012 That is, a table, an iron, some table settings, a coffee table and a carpet (Report 14287/19, MOD9, C7, SF3, 6)

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## **D - IBRAHIM FARISI'S DECLARATIONS**

### **1. Regarding his accommodation at Casernes Avenue**

Having taken up occupancy at his brother's apartment for a breather, Ibrahim FARISI moves out after a very brief stay.

*"I lived with him for about 2 weeks but a bit before 05/10/2015 he told me to leave"*<sup>2013</sup>

He affirms not having understood that he would be replaced in this studio. Smail would come the day before his departure to ask him to leave:

*"Smail came to the apartment and asked me to leave because he was going to bring an unspecified person. I thought that it was a girlfriend given that he was seeing a girl, so I didn't ask any questions and I left. He told me he wanted to give the apartment back because it was costing him too much. We discussed me taking back the apartment but I wasn't interested, it was too expensive for what it was. [T]here was only one large room and a bathroom with the toilet."*<sup>2014</sup>

Ibrahim FARISI asserts that he did not know the EL BAKRAOUI brothers:

*"I don't know them at all, I swear I've never even seen them. My brother told me to leave the apartment and I never met them. My telephone will prove it (...) For me, I returned 1 week after the attacks."*<sup>2015</sup>

### **2. Regarding the choice of dates for the move carried out on 23 and 25 March 2016**

Ibrahim FARISI has no specific explanation regarding the dates on which the moving suddenly took place. Well before the attacks, Smail FARISI had already mentioned the idea of moving:

*"He told me he wanted to return the apartment because it had become too expensive for him. We talked about my taking back the apartment but I wasn't interested, it was too expensive for what it was, there was only one large room and a bathroom with the toilet (...) Already in September/October he told me that he wanted to leave the apartment in Etterbeek. A few of my things were in this apartment."*

*I had to wait until my apartment was ready before I could get my things back. My brother Smail told me that he had to return the keys at the end of the month, that is, the end of March. I promised to help him move when my work had come to an end (...)."2016*

It would thus be sometime between the events on rue du Dries and the attacks that Smail FARISI would decide to move towards the end of the month of March 2016.

2013 Interrogation report JI, MOD9, C7, SF3, 3

2014 Report 6403/19, attached to Report 14287/19, MOD9, C7, SF3, 6

2015 Interrogation report JI, MOD9, C7, SF3, 3

2016 Report 6403/19, attached to Report 14287/19, MOD9, C7, SF3, 6

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### 3. Regarding his brother Smail

After the Paris attacks and when Smail came to help renovate his apartment, Ibrahim FARISI had not noticed anything particular in his brother's behaviour:

*"It was business as usual. I didn't notice anything. He was a little "bushed" but that could also have been caused by alcohol. That was when he helped me to do up my apartment"*<sup>2017</sup>

If he did go to his brother's apartment on 23 March 2016 it was only, he asserts, because he wanted to get his PlayStation, his TV and the table. But when he saw him panicking, he decided to help him move.

But he specified during the reconstruction of 17 June 2016, that he did not know why his brother panicked and he made no connection to the attacks.

### 4. Regarding his knowledge of the facts and the actual reason for the move

Ibrahim FARISI's statements vary as regards the moment when he made the connection between the attacks, his brother's studio and the move.

It would not be until 9 April 2016, that is, after the discovery of the studio on avenue Casernes, that he would make the connection with the attacks.

That day, in fact, he had accompanied his brother to Etterbeek, to "change the lock to his studio":

*"He just told me that he had to change the lock on his studio. I went with him on 9 April to change the lock on his apartment."* examination of 18 February 2019,

*(...) On arriving there, I noticed many journalists. So I asked one of them what was going on. I didn't know anything. I was surprised by the situation. The journalist explained that the police had gone into my brother's place to do a search. We went into the building but my brother was not able to get back into his apartment because the door had been sealed. I stayed away, close to the elevator."*<sup>2018</sup>

When the examining magistrate interrogated him on 11 April 2016, he specified:

*"my brother never told me anything before. I only understood when I saw the seals"*

2017 report 014287/19 MOD9, C7, SF3, 6  
2018 Report 15867/16, MOD9, C7, SF3, 1

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*"He just told me that he had to change the lock on his studio. I went with him on 9 April to change the lock on his apartment"*<sup>2019</sup>

*"My brother explained a little to me when being arrested, quickly, vaguely. While waiting for the patrol, Smail told me that it was because of the attacks that the police had come to his apartment, but he reassured me and told me that me, I didn't have anything to do with it and nor did he. He only told me that he let people stay who he shouldn't have. I took it the wrong way, I got nervous and that's why I didn't cooperate when I was arrested."*<sup>2020</sup>

But when, on 19 April 2016, the investigators asked him if he had any doubts about the activities of the people in the apartment or their identity, Ibrahim FARISI answered surprisingly:

*"No, nothing at all. I didn't know anything until 23 March. I didn't know anyone like I've told you already."*

When talking about his brother:

*(...) I had no doubt. I never said that he knew people like that".*<sup>2021</sup>

##### 5. Regarding the nickname "Fumier"

His Facebook account was called "FUMIER PTBS", the investigators questioned Ibrahim FARISI about this nickname. He answered that his nickname was "Fumier".

*"In fact, my brother was the first to call me this. It was when we were living in Peterbos. Then I started using this nickname again. It was a youthful joke."*<sup>2022</sup>

*"In fact, when we were younger, that's what my brother and I called each other in the Peterbos neighbourhood, "petit fumier", "grand fumier" ... These were childhood nicknames. I'll think about changing it."*<sup>2023</sup>

However, Ibrahim FARISI claims that he could be the person nicknamed Fumier referred to in the audio recorded by Ibrahim EL BAKRAOUI: he doesn't know, he never saw him nor even met him in the building.

2019 Report 14287/19 (MOD 9, C7, SF3, 6)  
2020 Report 14287/19 (MOD 9, C7, SF3, 6)  
2021 Report 17312/16 (MOD 9, C7, SF3, 4)  
2022 Report 9804/18, MOD 9, C. 7, SF 3, 5  
2023 Report 14287/19, MOD 9, C7, SF3, 6

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*"I believe they're not talking about me in this audio. In any case, as I already told you, I don't know this person, him or his brother"*<sup>2024</sup>

Smail FARISI confirms this statement:

*"Between me and my brother, it's me. If you ask me if they were talking to me or my brother, it was me they were talking to. My brother, he never saw EL BAKRAOUI."*<sup>2025</sup>

#### 6. Regarding his participation in the terrorist group activities

Ibrahim FARISI denies having participated in terrorist group activities:

*"I just helped my brother move, he had already helped me out in the past by letting me stay. It wasn't a friend, it was my brother. I never had anything to do with that. (...) I have no connection with the people in this file."*<sup>2026</sup>

#### E - PSYCHIATRIC REPORT

In their report of 7 July 2020, the experts CHARLES and MRABET<sup>2027</sup> conclude that when he was charged, Mr FARISI Ibrahim was not found to be suffering either from a mental condition or from a serious mental imbalance or from any mental disability that would make him unable to control his actions. He remains in this condition.

The accused does not present any particular social danger that would result from a psychiatric condition that is serious, ongoing and currently characterised, nor a characteristic personality disorder.

Given the absence of major psychopathology that would explain how socially dangerous the person concerned was, no specialised treatment seemed appropriate.

The experts note that the systematic mental examination did not highlight any major pre-existing psychopathology, nor any current if it is not an adjustment disorder with reactive anxiety.

The experts specify that Ibrahim FARISI took his imprisonment badly *"not having the feeling of guilt or of having done 'something bad'"*.

This, they write, in no way detracts from his capacity for judgement or from his responsibility.

2024 Report 9804/18, MOD 9 C. 7, SF 3, 5  
2025 Interrogation report JI, MOD 9, C7, SF2, 10  
2026 Report 17312/16, MOD9, C7, SF3, 4  
2027 MOD 7, C7, SF2, 8

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## **F - BACKGROUND CHECKS**

Ibrahim FARISI had wanted several people to be heard in the context of questioning of moral character.<sup>2028</sup>

His aunt Aicha FARISI refused to be heard<sup>2029</sup> and his two law clerks were not able to agree to this request.<sup>2030</sup>

Thérèse DUMST<sup>2031</sup> is the person in charge who, at the Anderlecht CPAS, hired Ibrahim FARISI as "room mediator" between December 2018 and December 2019. She describe him as polite, considerate, willing and involved in his work. He was well integrated in the team.

It was Ibrahim FARISI who explained his criminal record to her even though she had never wanted to ask him about this.

She could not, however, contribute any personality elements beyond the professional context.

Martine LEYSSENS,<sup>2032</sup>

Working at the pool in Dilbeek, Ms LEYSSENS knew Ibrahim FARISI when he still lived at the Peterbos park and that he came to swim.

She knows that he had been a taxi driver but that he had had enough of this work, in particular, because he had been hit and started to be afraid of driving at night.

He said that swimming helped him. She describes him as polite, helpful, kind, ready to help. She knows that he had lived at home until the age of 28, and that he had been living on his own for two years.

She could not give any more information about his academic career, his friends, his activities outside the pool, his view of politics or religion.

2028 Report 9604/19 (MOD16, C3, SF1, 3)

2029 Report 20027/19, MOD9, C8, SF8, 4

2030 His law clerks are Adrien FOUCART and Atifa LENS. Adrien FOUCART stated that for reasons of conflict of interest and professional secrecy, he was not authorised to be heard (Report 17747/19, MOD 9, C8, SF8, 2).

2031 Report 17382/19, MOD 9, C8, SF8, 1

2032 Report 20236/19, MOD9, C8, SF8, 5

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TITLE VI: PRESENTATION OF RELEVANT LEGAL PROVISIONS

CHAPTER I: TERRORIST OFFENCES

The accused were charged with two kinds of terrorist offences:

- a terrorist offence strictly speaking (murder and attempted murder in the context of terrorism)
- and participation in an activity of a terrorist group.

The terrorist offences<sup>2033</sup> are listed under Articles 137 to 141 ter of the [Belgian] Criminal Code.

**A - TERRORIST MURDER AND ATTEMPTED TERRORIST MURDER**

**Article 137 [Belgian] Criminal code:**

"1. A terrorist offence, the offence as provided under paras. 2 and 3 that, by virtue of its nature or its context, can seriously damage a country or an international organisation and is committed with intent with the aim of seriously intimidating a population or unduly compelling a government or an international organisation to perform or abstain from performing an act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

2. A terrorist offence is, pursuant to the provisions under para. 1:

1- culpable homicide or intentional assault and battery as provided under Articles 393 to 404;

(...)

11 - the attempt, as defined under Articles 51 to 53, to commit offences as listed in this section.

So that an act can be considered a terrorist offence, there must therefore be 3 elements:

- 1) a fact (material element) that must be listed under Article 137 of the [Belgian] Criminal Code,
- 2) an element of specific intent,
- 3) and an element said to be "contextual" particular to these terrorist offences.

<sup>2033</sup> included in title 1 ter of the [Belgian] Criminal Code by the law of 19 December 2003.

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## 1. The Material element

### a) Murder (Article 393 [Belgian] Criminal Code)

The law defines **murder** as homicide committed with intention to kill

Culpable homicide is included in the list of facts that may be defined as terrorist.

Not all homicides are culpable. A homicide will be involuntary (manslaughter) where there is a fatal medical error or where there is a fatal traffic accident.

In the context of murder, the perpetrator's intention is to cause death. It is voluntary in this case where this is the goal when the act is committed.<sup>2034</sup>

This intent to murder is apparent from circumstances of fact of the cause. For example: the number of blows delivered (it may be difficult to describe several blows as accidental), the weapon used (a firearm or a simple pen knife?), the place where the blows were delivered (fired at the feet or fired at the victim's heart or head?).

The [Belgian] Criminal Code states that murder "*is punished by a prison term of twenty to thirty years*".

Article 138 of the [Belgian] Criminal Code provides that the applicable penalty for a *terrorist* homicide is a prison term of life.

### b) Terrorist murder (Article 394 [Belgian] Criminal Code)

The law defines **terrorist murder**, premeditated murder.

Premeditation is an aggravating circumstance of culpable homicide. It presumes that the perpetrator consciously decided to cause death before committing the crime.

With premeditation it is presumed that the act was planned before being committed. There is no minimum period of reflection. If the pros and cons have been weighed, it may be said to have been premeditated.<sup>2035</sup>

It should be specified that the moment at which each of the co-perpetrators makes the decision need not be the same: it is enough that it be made before acting (or not acting to allow the perpetrator to act), the perpetrator had a period of reflection, which may be long for one persons and brief for another.

Premeditation is an issue of fact that can be the result of preparatory actions like preparing the explosive or the weapon used, a prepared scenario to carry out the act, and so on.

2034 The intention of the murder thus differs from that of the offence of "assault and battery that resulted in unintentional death" (which is a different offence that is subject to less heavy penalties).

2035 The agent should have been able to weigh the consequences of his or her act, DE NAUW and KUTY, crimes and offences against persons, p. 298

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Premeditation presupposes that the perpetrator had reflected on the act and had undertaken steps to prepare for carrying it out.

The [Belgian] Criminal Code provides that the murder, whether *terrorist* or *according to ordinary law*, "is punishable by a prison term of life".

Article 138 of the [Belgian] Criminal Code does not provide for an increase in this penalty, which is the heaviest in the [Belgian] Criminal Code.

c) Punishable attempt<sup>2036</sup>

With the exception of Ibrahim FARISI, the accused are charged with both terrorist murder and attempted terrorist murder.

Article 51 of the [Belgian] Criminal Code states that:

**Article 51 of the [Belgian] Criminal Code:**

*An attempt is considered punishable when the decision to commit a crime or an offence can be demonstrated by external acts from the beginning of the execution of the crime or the offence which have not been suspended or which have failed because of circumstances beyond the control of the perpetrator.*

The criminal act is only complete when it can be shown that the perpetrator has carried out all the constituent elements described in the legal provision. However, the legislator also intends to punish the perpetrator for offences that have not been completely carried out but that have merely been attempted.

Thus, for example, when a perpetrator takes a weapon and voluntarily fires at someone with the intention of killing that person, but does not achieve their goal, their act can be qualified as an attempted murder.

The same offence may very well be fully realised against certain victims, but only attempted against others. For example, fatal shots that reach some people but not all those present in the scene of a shooting.

The punishable attempt implies, in particular, that the decision to commit the offence be manifested by external acts that form the beginning of the execution of this offence, and that the perpetrator has not spontaneously ended their action or that a cause external to the perpetrator prevented the offence from being completed fully (for example: the victim of a robbery defending themselves thereby prevents the robber from running off with their loot, or when the police intervene and thus prevent the robbery etc.).

<sup>2036</sup> Also provided as capable of being described as a terrorist offence under Article 137(2)(11) of the [Belgian] Criminal Code.

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The attempted offence is an incomplete form of the offending act because its execution was interrupted or did not produce the intended effect.

Thus, when the perpetrator changes their mind, that is voluntarily withdraws, the attempt is not punishable. Things are simple if the perpetrator acts alone.

But for situations where several people contemplate a crime, the Court of Cassation has specified that voluntary abandonment only occurs when its intent has been voluntarily abandoned before the offence is completed.<sup>2037</sup>

The participant can then be sentenced as co-perpetrator of offences that were materially carried out by other people without him.

This would be the case, for example, of a person who contemplates committing a robbery and providing weapons to their group. Feeling remorseful, that person decides not to participate in this project personally, but leaves the weapons to their supporters who use them and commit the robbery. The robbery having been committed, this person maybe punished as a participant.<sup>2038</sup>

Article 138(1)(2) of the [Belgian] Criminal Code provides for attempting a terrorist offence in the strict sense "*the maximum sentence that is provided for the completed offence is reduced by one year*".

## **2. The element of intention to commit a terrorist offence (Article 137(1) Criminal Code)**

The terrorist offence in the strict sense may, by its nature or its context, seriously damage a country or an international organisation.

However, the perpetrator who commits the offence must have a specific intention.

The law provides three alternative non-cumulative intentions.

The perpetrator must have wanted to commit the act that has as its aim of...

- [EITHER] ... "seriously intimidating a population"
- [OR]... "unduly compelling a public authority or an intergovernmental organisation to perform or to abstain from performing any act"
- [OR]... "seriously destabilising or destroying fundamental political, constitutional, economic or social structures in a state or in an inter-governmental organisation".

It is enough that one of the three intentions is fulfilled.<sup>2039</sup>

<sup>2037</sup> Cassation, 20 March 2013, Rev. dr. pén. Crim., 2013, p. 779.

<sup>2038</sup> F. KUTY, the punishable participation and voluntary abandonment, note under Cass., 20 March 2013, Rev. Dr. Pen. Crim., 2016, p. 783.

<sup>2039</sup> Daniel FLORE, "La loi du 19 décembre 2003 relative aux infractions terroristes, genèse, principes et conséquences" [The law of 19 December 2003 on terrorist offences, origin, principles and consequences], in *Questions d'actualité du droit pénal et de procédure pénale*, Conférence de Mons, Bruylant, 2005, p. 2008-225

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If one of the motives is achieved, then the offence can be defined as terrorist.

This element of specific intent should be assessed taking into account the elements of the file, the statements and the perpetrators' gestures.

### **3. The element known as "contextual" of terrorist offences (Art. 137(1) of the [Belgian] Criminal Code)**

For one of the offences to be considered "terrorist", in addition to the two elements described above (material element and intentional element), the offence could, moreover, "by its nature or its context", seriously damage a country or an inter-governmental organisation (here, Belgium).

It is thus about reflecting on, beyond the perpetrator's point of view, the extent of the facts committed: in the present case, the facts were susceptible of creating in Belgium an exceptional situation of tensions, an insecure climate or a feeling of such.

It is the nature or the context of the offence committed that should be likely to seriously undermine the organisation or the management of Belgium.

The legal criteria is very general, to be applicable to many situations that the judge should appreciate depending on the elements of the case.<sup>2040</sup>

This is an indirect and hypothetical result of the acts committed.

## **B - ATTENDING AN ACTIVITY OF A TERRORIST GROUP**

### **1. What is a terrorist group?**

**Article 139 Criminal Code** defines the terrorist group as being the structured association of more than two people, established in time, and acting in a concerted manner in view of committing terrorist offences as defined under Article 137

The elements that make up a terrorist group are thus

- a structured association,
- involving more than 2 people;
- established over time,
- acting in a concerted manner.

<sup>2040</sup> Weyembergh A and Kennes L. Title Iter of Book II of the [Belgian] Criminal Code: Terrorist Offences, in *Droit pénal spécial, Tome 1, Collection criminalis*, ULB-Anthemis, 2011, pp. 101-132

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The association must not be by chance (eg: a demonstration that degenerates) or a one-off. But the Law does not define a minimum duration of existence.

A terrorist group rarely has a fixed and public structure: account must be taken of the changing, unstable, hidden, clandestine nature in view of escaping police and judicial authorities.<sup>2041</sup>

The group should be viewed as a number of individuals who, to differing degrees, contribute to the very existence of the group, by adhering to their aims and by contributing in any way possible.

It should be demonstrated that there is a certain logic in the behaviour of each, all of whom act together toward a single well-defined goal (for example, supply false papers, supply financial means, help in any way possible): the terrorist group is a group with a **mission** to commit a terrorist act and that, to reach it, develops a certain **coordination, complementarity and coherence** to satisfy the condition of "acting in a concerted manner".

This is not to say that each of the group members must know all of each other's acts and movements. It is the coherence of the whole group that must be considered.

In this file, the cell that acted in Belgium managed from Syria for the Islamic state group meets the criteria for a terrorist group.

## 2. What is a participant in an activity of a terrorist group?

At the time of the acts, Article 140 of the [Belgian] Criminal Code was written as follows:<sup>2042</sup>

### **Article 140(1) of the [Belgian] Criminal Code:**

1. Any person who participates in an activity of a terrorist group, including by providing information or the material means to the terrorist group, or by any form of financial support of an activity of a terrorist group, having knowledge that this participation contributes to committing a crime or an offence of the terrorist group, will be punished with a five to ten year prison sentence and a fine of one hundred to five thousand Euros.

2. 2. Leading a terrorist group is punishable by 15 to 20 years in prison and a fine of 1000 to 2000 Euros.

2041 Ignacio de la Serna, Chapter VI, Des infraction terroristes [Terrorist offences], in "à la découverte de la justice pénale" [trans.: "discovering criminal justice"] Larcier, p. 209

2042 The Law of 14 December 2016 amended the text of this Article. We are obviously referring to the wording of this Article as it applied at the time of the acts.

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For any criminal act to be punishable, there must be two elements:

- A material element: support.

Any positive and contributory act, any support contributed to a terrorist group regardless of how minor it is and regardless of what it is, is punishable when the person who contributes this support has knowledge of the terrorist group's "mission".

The material element of contribution to the group can take many forms: financing, supplying information, material means (e.g.: weapons, money, lodging, etc.).

Participation may be occasional or systematic.<sup>2043</sup>

The issue is not one of knowing whether someone is a member of the group, it is merely sanctioning the one who has, in some way, participated in one of this group's activities.

- A moral element: "*has knowledge that this participation contributes to the terrorist group's commission of a crime or an offence*".

As indicated above, the participant need not want to commit an attack, nor that an attack be committed. It is enough that they knew that their participation contributed to the activities of a group they knew to be terrorist. They need not want to be a terrorist themselves.<sup>2044</sup>

The law punishes two distinct persons: the one who "*participates in the activities of a terrorist group*" and "*the leader of a terrorist group*".

a) Any person who gives assistance to the activities of a terrorist group

This characterisation targets any person who gives assistance to a *group* of individuals they know has a mission to commit terrorist offences.

The participation in the activities of a terrorist group does not mean participating in committing such a terrorist offence as an attack. It is assistance to a group that sets out to commit terrorist offences. However, the law does not punish someone who contributes to a terrorist group the same way as someone who commits a terrorist attack.

One could thus participate in the activities of a terrorist group without committing a terrorist act.

2043 Doc. Par., Chamber, 2003-2004, no 258/001, p13

2044 Maria Luisa Cesoni, - Chapter VIII LES "INFRACTIONS TERRORISTES": DE LA RÉPRESSION DES ACTES À LA POLICE DE LA PENSÉE, L'élément moral de la participation: savoir n'est pas vouloir, in *Actualité en droit pénal*, [trans. Chapter VIII "TERRORIST OFFENCES": FROM PUNISHING ACTS TO POLICING THOUGHT, The moral element of participating: knowledge is not desire', in *Actualité en droit pénal*] 2019 p 256.

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This important nuance corresponds to the legislator's will to intercede beforehand, to prevent the commission of terrorist acts: *"the existence of a group depends to a large extent on these anonymous people who finance it or give it a basis through material or intellectual services."*<sup>2045</sup>

Here it is a matter of sanctioning the one who, knowing the terrorist mission of a group of individuals, contributes assistance knowing that this assistance contributes to the group's illicit activities. This is punishable, it is the effective and knowing collaboration with a group of individuals who have demonstrated that this group has a "mission" to perpetrate one or many terrorist offences.

The offence is established, even if the participant does not know which actions are likely to be taken by terrorists, as long as they had helped by contributing, even to a very small extent, to create conditions that allow the terrorists to be more operational.

The case law is very clear:

"It is a punishable offence to contribute assistance of any kind to a group that is known or that should be known to commit acts of terrorism, regardless of whether one wishes to distance oneself from this group, even if one condemns the acts of terrorism."

Thus, supply to the IS, which we know commits acts of terrorism, even for the strictly humanitarian sake and disapproving any violent act, of any assistance is punishable".<sup>2046</sup>

The assistance is contributed before the terrorist offence. It is not immediate but allows the group to operate.

#### b) The leader of the terrorist group

The preparatory work for the law of 19 December 2003,<sup>2047</sup> which introduced Articles 137 et seq. into the [Belgian] Criminal Code, specifying that the leaders are the individuals who assume *"the main responsibilities of the group"*.

The leaders are liable for a heavier penalty than the simple participants because, according to the legislator, they hold a *"central role"*, in particular by taking *"final decisions"* and by being, *"more than anyone, familiar with the criminal offences"*.

The legislator has thus provided, for this more serious form of involvement, a term of imprisonment of fifteen to twenty years and a fine of one thousand to two hundred thousand euros.

According to the case law, the individual who will be considered a leader of a terrorist group is the individual who presides over the fates of such a group, albeit on a **modest** scale, who

2045 Doc. Parl., Chamber, S.O.2003-2004, 258/001, p.13.

2046 Liège Crim. Court (19<sup>th</sup> ch.), 27 November 2020

2047 Doc. Parl. Chamber, s.o., 2003-2004, no 258/001, p. 14

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structures it, who chooses its members and who decides its orientations by making choices that are followed by the subordinates.<sup>2048</sup>

## **CHAPTER II: THE PERPETRATOR AND THE METHODS OF CRIMINAL PARTICIPATION**

A person may only be convicted for something they did.

In this file, several people are prosecuted for having acted in a group.

How can individual culpability be assessed when different people take part in a criminal act?

### **A - THE "PERPETRATOR"**

The "perpetrator" is the person who *commits the offence*, that is the one who materially *carried out* the offence.

The "perpetrator" should have the intention to commit the offence (e.g.: the person who detonated a bomb). and materially carried out the offence and each of its constituent elements.

The perpetrator must necessarily combine all the constituent elements of the offence.

It is they who must have the terrorist intention, special intent attached in this case to the terrorist offence (cf. supra).

### **B - THE CRIMINAL PARTICIPATION AS "CO-PERPETRATOR" OR "ACCOMPLICE"**

A person may participate in an offence as perpetrator, but also as participant by contributing assistance to the perpetrator.

There are two categories of participants:

- If the assistance contributed to the main perpetrator by the participant is indispensable to the offence, the participant will be considered a co-perpetrator
- If the assistance contributed is merely useful, accessory, they will be viewed as accomplice.

<sup>2048</sup> I. de la Serna, op.cit., p.188; Corr. Brussels, 54<sup>th</sup> chamb., 21 May 2014.

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It is the judge who will determine if the assistance provided the perpetrator is indispensable (in which case they will be considered "co-perpetrator") or merely useful (in which case they will be considered "accomplice").

The participant's intentional element is not that of the main perpetrator:

*"The intention required of the participant is not that of the main perpetrator of the offence. The moral element required by the law to characterise the criminal responsibility of the main perpetrator of the offence is in no way the same as that which defines the punishable participation. (...) The intention required of the participant, the Court of Cassation has ruled, is the will to help the commission of the offence, not the intention required to commit the offence. Nevertheless, the moral element of the punishable participation within the meaning of Articles 66 and 67 of the [Belgian] Criminal Code differs depending on the nature of the moral element of the offence."*<sup>2049</sup>

### **1. As "co-perpetrator"**

In law, an individual who provides this necessary or indispensable assistance will face a punishment as perpetrator: they are co-perpetrator.

Any person who played an essential role or contributed indispensable assistance in the commission of the offence is called indiscriminately perpetrator or co-perpetrator.

#### **Article 66 of the [Belgian] Criminal Code**

The following will be prosecuted as perpetrators of a crime or an offence:

- Anyone who will have carried it out or who cooperated directly in carrying it out;
- Anyone who, for whatever reason, offered assistance for carrying it out such that without their assistance the crime or the offence could not have been committed;
- Anyone who, in the form of gifts, promises, threats, abuse of authority or of power, machinations or culpable artifices, directly provoked this crime or offence;
- Anyone who, through statements made in meetings or in public places, or through writings, prints, images or emblems of any kind, that were displayed, distributed or sold, or placed on the market or exposed to the public, will directly provoke the commission, without prejudice to any penalties imposed by the law against the perpetrators of incitement to commit crimes or offences, even in cases where these provocations have not been followed up

<sup>2049</sup> F. KUTY, Principes généraux du droit pénal belge [General principles of Belgian Criminal Law], Larcier, p. 319

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A few examples:

- Anyone who drives the perpetrators of a hold-up to the scene
- Anyone who acts as lookout around a corner
- Anyone who triggers the detonator to the bomb
- Anyone who waits in the perpetrator's place allowing them to abscond with the loot after a theft

## **2. As "accomplice"**

In law, any person who has contributed useful but not indispensable aid is called an accomplice.

For example: an accomplice is anyone who agreed, before the acts, to come collect the loot after a theft in which they have not participated.

### **Article 67 of the [Belgian] Criminal Code**

*The will be punished as accomplices of a crime or an offence, anyone who:*  
*Gave instructions to commit a crime or offence;*  
*Procured weapons, tools, or any other means that were used in a crime or offence, in full knowledge that this was how they would be used;*  
*Had, with full knowledge, helped or assisted the perpetrator or perpetrators of the crime or offence in the acts that were prepared or facilitated, or in those who committed it*

For example: anyone who gives advice, not indispensable but useful, to assist in committing a theft

Giving accessory help to the perpetrators constitutes complicity, "*regardless of whether it is in the preparation for the commission of the offence, in its execution or in its completion*"<sup>2050</sup>

Where the penalty is concerned, the fact of being considered an accomplice entails only that this person's sentence is immediately lower than what they would have been given had they been the perpetrator or co-perpetrator of this crime (Article 69 of the [Belgian] Criminal Code).

<sup>2050</sup> D. Vandermeersch and T. Moreau, *Éléments de droit pénal* [Elements of Criminal Law], 2019, p. 151

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<sup>2049</sup> F. KUTY, *Principes généraux du droit pénal belge* [General principles of Belgian Criminal Law], Larcier, p. 319

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- Similarly, the fact that a target has not yet been determined changes nothing, when the acts taken "leave no doubt of the intention of the perpetrators": "the choice of a specific target is generally secondary for terrorists, it having been decided or changed at the last minute depending on the circumstance, the goal being, above all else, creating a maximum number of victims."<sup>2056</sup>

- "The intention of the participant is not the same as that required as element of intention in the principal offence."<sup>2057</sup>

- "It is not a requirement that the participants be in concert beforehand: it is enough that each of the participants intends to participate in the commission of the offence in one of the ways defined by the law."<sup>2058</sup>

### **3. Completion of an act of participation as defined by law**

The behaviour that constitutes the modes of participation are listed under Articles 66 to 68 of the [Belgian] Criminal Code. The other modes of participation are not punishable.

In this file, particular attention will be paid to the phrase in Article 66 of the [Belgian] Criminal Code, "anyone who, by any act, has given help in such a way that, without their assistance, the crime or the offence could not be committed".

In law, it is also possible to participate by omission:

Punishable participation "necessarily comprises a personal act, through a personal intervention, intellectual or material, that can be either an action or an omission".<sup>2059</sup>

"The term 'omission' here does not include failing to fulfil a defined obligation to act or abstaining from acting to prevent the commission of a serious offence, but it does relate to the intentional inaction as a method of criminal participating."<sup>2060</sup>

The doctrine and case-law<sup>2061</sup> consider that even in not engaging actively, the perpetrator may, under some circumstances, be accused of the punishable participation in the offence

2056 As indicated by the Brussels Court of Appeal in the context of the case known as the "Verviers terrorist cell" (Brussels Court of Appeal, 31 March 2017, p. 35, in the EL BALI case)

2057 Cass. 12 May 1998, RG F19980512-13, Pas. 1998, p. 576. See also D. Vandermeersch and T. Moreau, *Eléments de droit pénal*, [Elements of Criminal Law] 2019, p. 135

2058 Cass., 5 October 2005; see also D. Vandermeersch and T. Moreau, *Eléments de droit pénal*, [Elements of Criminal Law] 2019, p. 142

2059 F. KUTY, *principes généraux du droit pénal* [general principles of criminal law], Larcier, p. 319

2060 D. Vandermeersch and T. Moreau, *Eléments de droit pénal*, [Elements of Criminal Law] 2019, p. 131

2061 Cass., 17 December 2008, RG. P.08.1233.F, Pas., 2008, no. 737, public min. conc., R.W., 2010-11, p. 366, note S. VAN OVERBEKE, "Aanwezigheid bij het misdrijf als vorm van strafbare deelneming: je was erbij dus je bent erbij?". On this issue, see also J. VANHEULE, "Strafbare deelneming door onthouding: één of twee modaliteiten?", N.C., 2009, pp. 281-309. In this case, the Court of Cassation held that a person present at rape scene was co-perpetrator of the offences committed by other members of the gang because he had, by acting this way, contributed to "a group effect" that both "prevented the victim from escaping or defending herself" and "resulted in encouraging the perpetrators in their determination and to undermine the victims ability to resist" (Cass., 17 December 2008).

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committed. This is the case when the "inactive" behaviour knowingly and voluntarily adopted by the participant is at this point characterised that it should be treated as a positive act of participation: it thus constitutes a positive and unambiguous encouragement of the perpetration of the offence following one of the modes listed under Articles 66 and 67 of the [Belgian] Criminal Code.<sup>2062</sup>

Therefore, a determined non-action could constitute the act<sup>2063</sup> or the positive act that constitutes the punishable participation, as long as the three general conditions of the criminal participation are present.

According to the doctrine, we understand by the participant's wrongful omission "*a detailed and voluntary behaviour that incites the commission of the offence, facilitating or encouraging it according to the methods listed under Articles 66 and 67 of the [Belgian] Criminal Code. The behaviour is in this case flagrant to a point such that the alleged inaction translates into a positive behaviour,*<sup>2064</sup> *explicit and unequivocal, which cannot be assimilated into a simple omission*".<sup>2065</sup>

To be punishable, the determined voluntary non-action must fall under one of the forms of participation considered under Articles 66 to 68 of the [Belgian] Criminal Code.

Anyone who does not act materially is co-perpetrator if their apathy provides the perpetrator with incentive, cooperation or assistance that is indispensable to the perpetrator following through to the end.

The existence of a prior collaboration is proof that the passive participation is a flagrant non-participation and thus guilty.

2062 F. TULKENS, M. VAN DE KERCHOVE, Y. CARUYVELS and C. GUILLAIN, *Introduction au droit pénal* [tr.: Introduction to Criminal Law], 10<sup>th</sup> ed., Brussels, Kluwer, 2014, pp. 502-503.

2063 Article 66(2), mentions as an act of participation "any fact": "Those who, by any fact, assisted in the execution by providing assistance...".

2064 It is important not to confuse the adjectives "positive" and "active": the word "positive" should be understood here in the sense of "effective", "which produces an effect". Thus a positive behaviour should not necessarily be assimilated into an active behaviour.

2065 Blaise, N. "The participation by omission and its jurisprudence: note under Corr. Dinant, 17 February 2009", *Journal des Tribunaux*, Vol. 6370, pp. 693-697, which includes the conclusions of the advocate general D. VANDERMEERSCH under Cass, 17 December 2008, R.D.P.C., 2009, p. 441.

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## CHAPTER III: OTHER APPLICABLE LEGAL PROVISIONS

### I. DEPRIVATION OF BELGIAN NATIONALITY

The public ministry may seek the deprivation of Belgian nationality for a person with dual nationality<sup>2066</sup> convicted to a prison sentence of 5 years or more on account of a terrorist violation.

#### **Article 23/2 of the Code of Belgian nationality provides that:**

1. The deprivation of Belgian nationality may be ordered by the court on the application of the Public Prosecutor's Office with respect to Belgians who do not hold their nationality because of a Belgian parent or of an adopted parent on the day of their birth and of Belgians who are not assigned their nationality by virtue of Article 11(1)(1)(1) and (2) if they are convicted, as perpetrator or co-perpetrator or accomplice, they shall be sentenced to a term of no less than five years without probation for an offence provided in Book II, Title 1 ter, of the [Belgian] Criminal Code.
2. The judge will not rule on the deprivation where this would have the effect of making the party concerned stateless, unless the nationality was acquired pursuant to fraudulent behaviour, by false information or by withholding a relevant fact. In this case, even if the party concerned has not recovered their original nationality, revocation of nationality will only be pronounced on expiration of a reasonable time granted the party concerned by the judge to allow them to attempt to recover their nationality of origin.

Article 23/2 Code of Belgian Nationality was introduced by the law of 20 July 2015 aimed at strengthening the fight against terrorism.

In this case, a criminal judge may order that a person be deprived of their Belgian nationality.

The preparatory works provide the following justification for this provision: "*terrorism produces effects very generally and broadly on the entire country and thus may be interpreted as a form of rejection of the country, its institutions and its values. From this perspective, it is justified to understand the possibility of revoking the nationality of a person who is intrinsically connected to the country for these specific offences.*"<sup>2067</sup>

This particular regime of depriving a person of their nationality can be explained by the fact that terrorism may be interpreted as a form of rejection of the country, its institutions and its values.

2066 For example, Oussama ATAR, Ali EL HADDAD ASUFI, Smail FARISI, Ibrahim FARISI, Mohamed ABRINI, Hervé BAYINGANA MUHIRWA and Bilal EL MAKHOUKHI

2067 Draft law concerning strengthening the fight against terrorism, DOC 54 1198/001, p.8

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## **II. THE OVERSIGHT OF THE SENTENCE ENFORCEMENT COURT**

Since the law of 26 April 2007, the oversight of the sentence enforcement court is obligatory for those who are the subject of a custodial sentence of at least five years because of a terrorist offence that has caused death.

### **Article 34bis of the [Belgium] Criminal Code:**

Oversight of the sentence enforcement court is an additional penalty that should or may be pronounced in the case provided for by law for the purpose of protecting society having regard to persons who have committed certain serious acts that harm the integrity of persons. This additional penalty shall begin at the expiry of the main term of actual imprisonment or of the confinement.

### **Article 34ter of the [Belgium] Criminal Code:**

Courts and tribunals grant the oversight of the sentence enforcement court for a period of at least five years and at most fifteen years, commencing at the end of the main effective penalty, in the context of the following convictions:

- 1) (...);
- 2) (...);
- 3) sentences involving deprivation of liberty of at least five years based on (Article) 137, if the offence caused death(...).

For the accused sentenced to a prison term of thirty years or life, Article 25 of the law of 17 May 2006 specifies that the oversight of the sentence enforcement court begins after having undergone fifteen years of this penalty.

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## **TITLE VII: SUMMARY**

Consequently, ATAR Oussama, ABRINI Mohamed, KRAYEM Osama, ABDESLAM Salah, AYARI Sofien, EL HADDAD ASUFI Ali, EL MAKHOUKHI Bilal, BAYINGANA MUHIRWA Hervé, FARISI Smail and FARISI Ibrahim are accused of or of having,

In the judicial district of Brussels and of being connected elsewhere in the Kingdom,

### **A. Committed murders in the context of terrorism**

On 22 March 2016

The first (ATAR Oussama), second (ABRINI Mohamed), third (KRAYEM Osama), fourth (ABDESLAM Salah), fifth (AYARI Sofien), sixth (EL HADDAD ASUFI Ali), seventh (EL MAKHOUKHI Bilal), eighth (BAYINGANA MUHIRWA Hervé), ninth (FARISI Smail),

- for having carried out or directly cooperated in carrying out,
- by any act, provided for the carrying out assistance without which the crime or the offence could not have been committed,
- through donations, promises, threats, abuse of authority or power, plots or deliberate deception, directly provoked this crime or this offence;

1. In Zaventem, in the judicial district of Hal-Vilvoorde,

having committed a murder, that is, a culpable homicide with intention to kill and with premeditation, of the following persons:

1. ADAM André (10/09/39)
2. BALDWIN Bruce (18/08/49)
3. COOPMAN Nic (19/12/58)
4. DENG Jinquan (20/04/90)
5. MARTINEZ Gaël (4/06/74)
6. MIGOM Bart (06/12/94)
7. PINCZOWSKI Alexander (13/08/86)
8. PINCZOWSKI Sacha (25/01/90)

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9. SHULTS Justin (06/03/86)
10. SHULTSMOORE Stephanie (17/09/86)
11. TAPIA RUIZ Adelma (18/08/78)
12. VALCKE Rosario (29/08/59)
13. VANSTEENKISTE Fabienne (19/01/65)
14. VIKTORSSON Berit (29/03/52)
15. WAETZMANN SCINTU Jennifer (09/01/87)
16. WEAH Elita (16/10/75)

offence listed under Article 137(2)(1) of the [Belgian] Criminal Code, which, because of its nature or the context, could cause serious damage to a country or an international organisation and is committed intentionally with the goal of seriously intimidating a population or unduly compelling a public authority or an intergovernmental organisation to perform or to abstain from performing any act, or of seriously destabilising or destroying fundamental political, constitutional, economic or social structures in a state or in an intergovernmental organisation thereby constituting a terrorist offence

2. In Brussels, in the judicial district of Brussels

having committed murder, that is, culpable homicide with intention to kill and with premeditation, of the following persons:

1. ATLEGRIM MY Sofia (27/04/85)
2. BASTIN Aline (03/08/86)
3. CIBUABUA CIYOMBO Yves (22/07/88)
4. DEFIZE Mélanie (04/10/86)
5. DELESPESE Olivier (27/06/71)
6. DIXON David (30/03/65)
7. FAZAL ESMAEL Sabrina (20/12/91)
8. GANESHAN Raghavendran (14/11/85)
9. HECHT Lopold (03/03/96)
10. LAFQUIRI Loubna (11/04/81)
11. LAURENT Gilles (16/09/69)
12. LECAILLE Marie (22/06/69)
13. LECAILLE Marie (22/06/47)
14. RIZZO Patricia (11/01/68)
15. VAN STEEN Johan (10/02/58)
16. VISART de BOCARME Laurianne (02/08/87)

offence listed under Article 137(2)(1) of the [Belgian] Criminal Code, which, because of its nature or the context, could cause serious damage to a country or an

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international organisation and is committed intentionally with the goal of seriously intimidating a population or unduly compelling a public authority or an intergovernmental organisation to perform or to abstain from performing any act, or of seriously destabilising or destroying fundamental political, constitutional, economic or social structures in a state or in an intergovernmental organisation thereby constituting a terrorist offence

**B. Attempted to commit murder in the context of terrorism**

On 22 March 2016

The first (ATAR Oussama), second (ABRINI Mohame), third (KRAYEM Osama), fourth (ABDESLAM Salah), fifth (AYARI Sofien), sixth (EL HADDAD ASUFI Ali), seventh (EL MAKHOUKHI Bilala), eighth (BAYINGANA MUHIRWA Hervé), ninth (FARISIS, Smail).

- for having carried out or having directly cooperated in carrying out,
- by any act, provided in aid of carrying out assistance without which the crime or the offence could not have been committed,
- through donations, promises, threats, abuse of authority or power, plots or deliberate deception, directly provoked this crime or this offence;

1. In Zaventem, in the judicial district of Hal-Vilvoorde,

having attempted to commit murder, that is, culpable homicide with intention to kill and with premeditation, of a number of persons, and in particular:

1. CHARDRON Laetitia (17/09/88)
2. VANKETS Ine (13/01/90)
3. BERGEN Ben (29/06/90)
4. CHAPHEKAR Nidhi (28/05/75)
5. LAHLALI Abdallah (25/01/79)
6. MARTINEZ Manuel (09/10/75)
7. LEMAITRE Geoffroy (02/05/68)
8. DEJAEGERE Laetitia (04/04/91)
9. HOUBLON Sanne (22/08/91)
10. PORTA Marie (18/09/63)
11. VAN ACKER Nicole (28/10/57)

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12. VANGENECHTEN Ellen (14/03/84)
13. CSERGÖ Istvan Attila (28/07/72)
14. GEERTS Sofie (23/08/76)
15. KERIVEL Elodie (26/11/91)
16. TREVLOPOULOS Pascaline (01/12/88)
17. CATTOOR Nathalie (25/08/68)
18. OLAERTS Jan (18/06/92)
19. SELLESLAGS Ingeborg (23/11/66)
20. VERVLOESSEM Maria (24/04/55)
21. BEN ABBES Walid (10/07/89)
22. de RYCKERE Alexandra (14/09/67)
23. PITSIOS Stéphanie (18/05/88)
24. SCHOOLMEESTERS Elke (13/01/83)
25. NABOUT Kim (19/04/87)
26. LAMAH Béatrice (15/04/59)
27. DANIELS Sören (13/03/83)
28. BREEUS Mark (04/06/75)
29. CHAPELLE Kevin (05/07/93)
30. DE BRUYCKER Isabelle (02/02/73)
31. DE BRUYCKER Karolien (29/07/74)
32. VIAENE Yorick (02/05/88)
33. PEKER Yasmina (14/03/92)
34. ASSELBERGHS Tania (04/08/88)
35. ASSELMAN Dario (25/06/92)
36. MAES Philippe (05/01/59)
37. SLEECKX Gérard (11/04/74)
38. ALTMAN Melvin (29/12/73)
39. ROCZNIAK Magdalena (08/07/82)
40. ZAUGG Nathan (20/08/87)
41. DAVID Sylvie (09/12/64)
42. VANDEURSEN Sylvia (22/11/63)
43. VANDENDAEL Christel (08/07/81)
44. BALTY Sandrine (25/08/81)
45. MOTWANI Amit (12/01/84)
46. VERHULST Muriel (08/06/60)
47. SOMA Maria (29/01/90)
48. PRAET Ann (01/02/85)
49. GOETHALS Brent (30/04/93)
50. LAURENS Julie (05/11/87)
51. AZANAY Abdellaziz (16/05/61)
52. KUBAT Husamettin (12/08/77)
53. HOPSTAKEN Peggy (27/05/71)
54. LAENEN Isabelle (23/07/81)
55. VAN DEN BERGHE Romanie (22/09/64)

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56. SOCQUET Katia (31/10/76)
57. BRION Nicole (15/06/65)
58. FERNANE Amal (22/03/87)
59. LEONARD LOMAMI Joyce (03/09/96)
60. HEIRBAUT Ilse (21/02/84)
61. VAN GARSSE Brigitte (20/12/65)
62. GOYVAERTS Patricia (22/04/63)
63. OLIVEIRA NOVAES Jeniffer (12/06/88)
64. VANDENHOECK Nicky (29/12/86)
65. VAN DEN HOUTE Jens (20/01/94)
66. GYSENBERGH Steven (23/05/75)
67. MORGANTE Calogero (28/03/75)
68. QUINTERO LOPEZ Lina (11/04/91)
69. SCAPINI Caroline (03/11/87)
70. EL ABOUZI Faisale (11/09/79)
71. SEDDA Laetitia (15/06/87)
72. SUNT Liesbeth (14/09/73)
73. FONTAINE Elaine (10/08/92)
74. DUMONT Arnaud (22/12/90)
75. VANNEROM Stefanie (15/08/89)
76. WAUMANS Caroline (14/02/80)
77. MEEUS Freija (09/05/88)
78. BALSAMO Jean (10/03/72)
79. ARREDOUANI Morad (25/06/74)
80. ONDER Ferhat (20/07/88)
81. DELOOS Anthony (10/12/95)
82. DIANZENZA Merveille (10/06/89)
83. PEERTS Sophie (15/10/90)
84. VAN PASSEL Jessica (17/11/89)
85. CEPEDA FERNANDEZ Ercida (28/04/78)
86. METNI Nawal (31/05/78)
87. ELOUAFI Hassan (04/02/75)
88. VERHULST Michel (25/10/65)
89. DE BAERDEMAEKER Petra (15/09/71)
90. CHAN Hau Him (12/08/80)
91. MBOKANGA TSHILUBUISHA Valérie (06/09/66)
92. IZQUIERDO-ESCRIBANO Kevin (10/12/88)
93. EL BOUCHEHATI Jamal (01/01/77)
94. de SEJOURNET de RAMEIGNIES Amaury (15/11/87)
95. STERCKX Daisy (09/01/69)
96. VANSTEENKISTE Veerle (31/03/72)
97. GILLAERTS Mark (08/06/65)
98. WILLEMS Nicole (16/02/72)
99. SOMKUANCHAD Patcharawalee (24/01/91)

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100. NACKAERTS Frédéric (21/02/75)
101. LEONARD Petra (10/12/69)
102. GOOSSENS Nancy (04/11/19/72)
103. VAN VERRE Yissel Verence (08/01/85)
104. VAN WESEMBEECK Katrien (15/01/83)
105. PLOMPEN Mireille (11/12/70)
106. BOGAERT Tjerk (26/09/82)
107. VAN BEVER Ruth (22/09/80)
108. VAN STEERTHEM Els (20/01/81)
109. VERHOEVEN Virginie (09/09/80)
110. ERTRYCKX Elli (12/07/84)
111. DECOSTER Yvan (14/10/57)
112. HOPPENBROUWERS Kiara ( 26/04/91)
113. DERYCKER Ann (06/05/71)
114. GYSENS Laura (17/02/94)
115. IWENS Danielle (15/11/63)
116. WOESTIJN Sylvia (24/05/65)
117. MIEVIS Cynthia (07/05/65)
118. VERSTRAELEN Liliane (25/09/68)
119. VAN ROEMBURG Johanna (05/07/68)
120. VAN CUTSEM Jessica (21/06/79)
121. DUMAREZ Marie Anne (20/08/74)
122. VAN BELLE Dorien (17/05/82)
123. DERYCKERE Valerie (26/08/89)
124. REYERS Gilberte (18/07/57)
125. LOMBAERTS Nadine (12/09/62)
126. KRAHULEC Erzsébet (28/08/75)
127. KOCAK Ferhat (22/05/85)
128. WEYMANS Daphné ( 28/12/91)
129. VENETICO Michele (30/01/95)
130. VAN HOOFF Peter (28/06/66)
131. DRIESMANS Nathalie (30/09/71)
132. SONCK Martine (29/10/54)
133. PIERQUET Ingrid (16/05/72)
134. VANDERFRAENEN Nathalie (05/04/77)
135. KRIM Khalid (04/11/70)
136. WEEMAES Joanne (28/9/78)
137. ROYERS Inge (10/05/86)
138. SCHEPENS Ann (31/01/67)
139. ZAIDI Ilias (22/01/93)
140. PORTAEL Ann (26/03/92)
  
141. NORTHSHIELD Karen (25/05/85)
142. LASNIER de LAVALETTE Béatrice (29/11/98)

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143. DAVID Danielle (22/08/43)
144. DELCAMBE Christophe (31/03/78)
145. DELCAMBE Alondra (25/11/2011)
146. DELCAMBE Maureen (25/11/2011)
147. CREIGHTON MOORE Carolyn (13/11/56)
148. MEILISSA Aster Ilona (29/05/80)
149. VANSILIETTE Philippe (29/04/2010)
150. VANSILIETTE Lucie (11/10/2012)
151. BELLIN Sébastien (14/05/78)
152. REBIASZ Marek (22/04/67)
153. SKEPPNER Hans Artur (06/06/57)
154. KOENTGES Véronique (26/10/61)
155. EMPEY Joseph (20/09/95)
156. NORBY Richard (16/06/49)
157. CLAIN Fanny
158. WELLS Mason (02/06/96)
159. PERRY Fionn (27/12/81)
160. ZERRAD Noureddine (30/07/78)
161. VOUTOUNOU Mariel (21/12/85)
162. LEFEVRE Francis (03/09/59)
163. COECKELBERGS Samuel (13/12/92)
164. BIASUCCI Franca (13/05/49)
165. BIASUCCI Lucia (27/10/34)
166. PLACENZA Cosimo (11/08/45)
167. LEWKOWICZ Iwona (02/11/63)
168. SOARES ALMEIDA Arno (16/09/86)
169. DENAYER Jonas (08/05/79)
170. POWELL Nicolas (26/05/70)
171. FINNEMORE Peter (14/03/58)
172. PETIT Angélique (05/02/75)
173. ABID Hussain (06/03/77)
174. ABID Aïcha (21/09/04)
175. PETIT Emilie (13/04/96)
176. APONTE RAMOS Carlos (17/01/58)
177. APONTE Salome (14/11/64)
178. APONTE FLORES Sasha (28/12/87)
179. APONTE FLORES Carlos (04/02/94)
180. KRAFFT Bénédicte (16/12/80)
181. FERIR Pascal (27/04/73)
182. ST. VICTOR-DE-PINHO Christopher (29/04/71)
183. MARTINEZ MELCHIZEDEK Tupaz (25/10/68)
184. MARTINEZ Kianni (20/09/98)
185. MARTINEZ Kimo (17/11/2003)
186. MARTINEZ Kailani (08/03/2009)

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187. MARTINEZ Noelani (16/03/2007)
188. GOVER Carol (14/03/55)
189. GOVER Anna (05/06/87)
190. BUEDTS Nico (16/03/79)
191. OHAL Hanna (14/12/82)
192. OHAL Matthew (04/09/2013)
193. OHAL Pavel (28/10/78)
194. VANBAELEN Johny (24/10/55)
195. IRZA Wladyslaw (30/09/55)
196. VAN DROOGENBROECK Patricia (29/04/63)
197. DI PIAZZA Salvatore (30/09/86)
198. ZAVGORODNYAYA Alexandra (16/04/85)
199. DI PIAZZA Salvatore (04/04/89)
200. JOB Didier (04/05/67)
201. SNAUWAERT John (25/09/64)
202. DEGRIMBE Christian (27/07/61)
203. HINTJENS Nicolaas (31/10/90)
204. KARDAVA Ketevan (16/05/79)
205. VILLEGAS Mauricio (09/09/62)
206. DUVAL SIERRA Antonia (29/12/77)
207. LEDESMA Kelvin (25/04/05)
208. AUSTRIA Antonia (22/03/70)
209. LEDESMA Kevin (10/09/2006)
210. MGHOGHI Rachid (24/05/73)
211. COUVELANCE Ariane (25/06/76)
212. CAPPAS Jordan (27/10/89)
213. LABOUREUR Anne-Valérie (30/03/91)
214. ECHCHEKHAR Farid (12/04/90)
215. BASIALA MADI MONGA MONGA Roger (06/07/59)
216. BASIALA Marie-Thérèse (23/03/49)
217. GARCIA IGLESIAS José Antonio (04/09/63)
218. GARCIA MARIAN Laura (14/04/91)
219. VAN DROOGENBROECK Herman (05/02/45)
220. HEYMAN Dannielle (09/11/47)
221. COESSENS Laurens (01/04/93)
222. SOBOWSKI Kamil (18/07/74)
223. MAIRESSE Pierre (22/11/53)
224. DAVOINE Annick (26/05/54)
225. MAIRESSE Cécile (29/06/83)
226. HAMOUCH Alice (30/12/2014)
227. NISAR Ishrat (04/09/65)
228. MOHAMMAD Komal (28/12/2001)
229. BENJAMIN Walter (03/10/68)
230. JALLOW Laye Kane (25/03/68)

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231. KRAHLECZ Erzebeth (28/08/75)
232. FURLANETTO Mirko (10/06/76)
233. PERTRY Peter (08/03/89)
234. BROWET Pascal (20/04/69)
235. MASURE Marc (15/09/78)
236. KNECHT Rémy (17/11/72)
237. LERUTH Caroline (09/03/64)
238. FRIPIAT Sébastien (06/02/75)
239. FRIPIAT Y Lan (02/02/2016)
240. NGUYEN CHUNG Thi (14/01/76)
241. Taelman Alysia (09/09/92)
242. MATHIEU Catherine (16/09/58)
243. BREYER Philippe (19/05/56)
244. PLOCHAET Els (24/11/67)
245. WAUTERS Sophie (11/08/96)
246. VAN DER BIEST Chris (24/04/70)
247. KAHIL Salina (20/05/95)
248. LAURENT Caroline (28/02/90)
249. NAUW Pierre (05/03/90)
250. KONACHOWICZ Nina (17/10/51)
251. DE BAERDEMACKER Stijn (16/07/81)
252. VAN LENT Annick (26/03/68)
253. GOOSSENS Tim (21/12/79)
254. SIMBANANIYE Léandre (12/01/62)
255. KAYANGE Christine (03/03/66)
256. MUKASHYAKA Marie-Cécile (29/10/76)
257. MUREKATETE Donatha (29/05/75)
258. JACOBS Delphine (14/10/79)
259. JACOBS Ludovic (21/03/81)
260. TA VAN Jessica (09/02/82)
261. SCHLEYPEN Jeannine (12/07/55)
262. DESAIVE Pierre-Yves (20/06/68)
263. MONE Carole (14/12/74)
264. JIMENEZ GONZALEZ Adriana (24/08/73)
265. MOULAN Cyrille (16/02/78)
266. MOULAN Markus (22/01/2010)
267. MOULAN Andreas (22/01/2010)
268. LACHI Steven (29/09/86)
269. DUQUE Felipe (27/03/72)
270. SCHEPPERS Camille (11/12/70)
271. BAEFA-ILLONDJO Nana (01/01/76)
272. SCHEPPERS Yahwel (29/12/2014)
273. SCHEPPERS Neri (29/12/2014)
274. VERVOORT Valérie (22/01/79)

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275. LAWSON Liam (02/10/2015)
276. RUGGIANO Elisabetta (29/12/52)
277. CIARAMELLA Silvia (27/09/88)
278. RUGGIANO Bruno (06/02/65)
279. LAUDANNA Carmelina (13/05/67)
280. RUGGIANO Ilaria (24/02/96)
281. RUGGIANO Daniele (13/12/97)
282. RUGGIANO Valerio (03/07/2001)
283. DENYS Bart (30/06/68)
284. BERNARD Sabine (09/06/87)
285. LASPE Matthias (04/06/86)
286. OPDENACKER Sarah (20/05/94)
287. VAN HUMBEECK Ellen (30/03/94)
288. DADDA Mohamed (05/01/73)
289. FARKASH Menachem (21/01/93)
290. FISCHER Mathieu (06/07/67)
291. VREYS Koenraad (07/01/63)
292. DEFÊCHE Nicole (13/02/51)
293. WEERDENBURG Tim (07/08/88)
294. BRACALE Alessandro (24/07/64)
295. KAMALI Jean (30/09/62)
296. DAELEMAN Eva (01/03/90)
297. RANEN Eytan (22/02/53)
298. BARRY Oumar Diogo (01/01/75)
299. DELJURIE Gaëtane (16/01/80)
300. PONCIN Serge (04/02/51)
301. RAMIREZ Chantal (20/08/51)
302. HUBERMAN Karina (07/09/65)
303. SPITZER Roberto (09/03/65)
304. WATSON Saku (01/07/50)
305. VELLA Lorenzo (01/01/82)
306. MICALLEF BORG Cheryl (04/01/86)
307. CALINTARU Cristina (10/10/69)
308. YOUNG Fred (17/11/59)
309. WINSTON Janet (25/07/60)
310. WINTERNITZ Chaim (23/02/88)
311. KOENIG Stéphane (15/09/65)
312. De MARET Olivier (27/05/80)
313. De MARET Anna (28/09/2013)
314. BARONI Federica (20/06/80)
315. BAR Patrick (22/02/66)
316. NAJMABADI Safadokht (24/05/63)
317. NAJJADIAN Shahindokht (31/10/34)
318. CRUZ DIAZ Mariana (28/09/79)

Je jure avoir rempli ma mission en honneur et conscience, avec exactitude et probité.

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319. VAN de WEIJER Augustin (06/07/2012)
320. VAN de WEIJER Maria (01/02/2016)
321. HALL Monica Ann (26/04/96)
322. DUFFY Catherine (11/06/96)
323. CLEARY Lauren (13/05/96)
324. STEPANOVSKI Saso (06/02/73)
325. DOTY Paul Richard (24/06/64)
326. HOFFMAN Tania (03/04/67)
327. MULKENS Tom (19/01/62)
328. KCHICHOU Rachid (11/09/84)
329. EL ABDOUNI Fadoua (03/03/88)
330. KCHICHOU Rayan (01/07/2010)
331. KCHICHOU Aya (04/10/2012)
332. KCHICHOU Marwa (26/01/2016)
333. DELLA PORTA Angela Raffaella (01/10/73)
334. WENTZEL Arthur (26/12/69)
335. GUEUNING Myriam (23/03/52)
336. COLLIN Yves (09/01/50)
337. PISCO Alexandra (26/05/66)
338. FIRKINS David (27/03/71)
339. BREVIGLIERI Bruno (26/07/72)
340. MINIERI Marcella (22/08/72)
341. BREVIGLIERI Ottavio (19/08/2002)
342. BREVIGLIERI Vittorio (23/09/2005)
343. BREVIGLIERI Gregorio (30/12/2010)
344. NGOWANZOLA Nkiambi (27/03/58)
345. BANGAMBA Brigitte Ntambwe (10/10/78)
346. INGELS Sylvie (05/03/72)
347. VOLCKAERTS Karen (11/10/1982)
348. VAN DER ECKEN Hedwige (11/03/68)
349. PAUWELYN Barbara (18/07/87)
350. VAN BOCKSTAEL Ruben (16/02/85)
351. PELLIS Jean Maria Marina (05/08/48)
352. SMITS Alice (10/01/50)
353. PELLIS Manno (25/04/71)
354. PELLIS Marco (03/11/69)
355. PIJPEN Martine (08/04/60)
356. MASSA Joke (05/02/90)
357. EL KARACH EL HAUARI Hamza (22/09/94)
358. KOUNNA Redouan (20/09/96)
359. ELIDRISSI Moulay Brahim (19/03/95)
360. COREMANS Carla (16/05/69)
361. DE LOOF Stefanie (05/11/80)
362. VERSCHUEREN Marguerite (27/12/71)

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363. DEPASSE Camille (22/04/99)
364. MAUCOURANT François (11/10/91)
365. BAGSEVEN Semseddin (19/04/85)
366. DIRICK Corinne (30/01/72)
367. NOIRON Claude (21/06/48)
368. DUYCK Dominique (08/05/58)
369. DOAN Elise (01/06/80)
370. ATGER Adrien (04/08/84)
371. ATGER Lucie (26/10/88)
372. DUYCK Marie Françoise (15/09/50)
373. DOAN GIA CU Dominique (01/05/46)
374. DOAN Damien (10/12/81)
375. ROBIC Claire (18/03/81)
376. DOAN Mahaut (18/10/2012)
377. DOAN Ysée (08/06/2010)
378. MOUATASSIM Zhour (05/11/73)
379. VANDORPE Stephane (05/01/85)
380. KHANAM Farzana (10/05/67)
381. MAKHDOOM Ahmed (10/01/75)
382. MAKDHOO Aqsa (10/05/2008)
383. DURAND Nicolas (27/05/74)
384. LE MEE Stéphanie (09/03/76)
385. DURAND Aliénor (14/01/2004)
386. DURAND Constance (06/04/2005)
387. DURAND Louis (29/01/2007)
388. DURAND Athénais (10/10/2010)
389. DIERENS Luc (05/06/1950)
390. D'HANE Solange (17/9/1952)
391. LUHONGE KABINDA-NGOY Floribert (25/05/42)
392. GERARD Kasongo (03/09/59)
393. MACHIELS Victor (27/12/45)
394. LEMMENS Marina (24/07/59)
395. VAN OOTEGEM Annemieke (26/02/61)
396. DE PAUW Ivan (10/01/59)
397. AYOUBI Sylvia (30/05/67)
398. HAMDANE Abida (21/06/70)
399. EL MESAUDI Nawal (19/08/93)
400. EL MESAUDI Mohamed (11/07/90)
401. VAN DUNNEGEM Stephanie (29/03/97)
402. ELENGA-M'BONGO Stéphanie (20/07/80)
403. MUJA MUKENDI Kelly (17/05/78)
404. ARGEERTS Tom (03/02/65)
405. DELIEGE Raphaëlle (27/02/77)
406. VERMEERSCH Nicolas (19/08/81)
407. BOUTUIL Fayza (26/03/86)
408. DIGNAC Liza (10/11/77)

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409. CIARNIELLO Maud (16/06/2006)
410. CIARNIELLO Jean (21/02/2008)
411. CIARNIELLO Pierre (06/01/2011)
412. CIARNIELLO Maurice (18/02/2014)
413. CHEKKOURI Salim (28/04/2000)
414. MALOUJAHMOUN Najat (30/05/75)
415. BELLAHSEN Touria (05/02/89)
416. AGZENAY Abdelhamid (08/03/72)
417. FELIX Fabienne (19/07/72)
418. OUDE HENDRIKMAN Tanguy (11/09/69)
419. BLANCHARD Arnaud (07/03/80)
420. RUSU Claudiu Marian (05/11/90)
421. ILIBAGIZA Daphrose (03/04/66)
422. NITCHEU TCHONANG Bernadette (21/07/82)
423. MBONGA-NSASI Viviane (14/12/79)
424. KAZOULA Mickaël (25/09/91)
425. MICHAUX Xavier (04/03/83)
426. CIURO Vanessa (05/09/86)
427. MORVAN Jenny (05/03/92)
428. GEVAERT Mathieu (22/08/91)
429. MWIKA KAMBALA Christiane (19/04/72)
430. MUSUAMBA Marie-Louise (05/04/87)
431. DEHOU Rajae (24/12/91)
432. KOUEVI Kokoè Mawuénam (13/07/82)
433. YOMI KWANTCHET Anne-Maryline (26/07/87)
434. SAMADI Mariam (15/08/75)
435. BUSHII Fatoumata (05/06/82)
436. UBERTALLI Audrey (07/11/88)
437. DERIS Stéphanie (29/03/93)
438. CRODIER Anne Chloé (27/07/92)
439. ACQUAVIVA Laetitia (03/11/90)
440. CRES Enguerran (13/10/92)
441. KUVEDU-LIBLA Akouwa (16/09/89)
442. MUANVUA AMBA Minie (07/03/64)
443. GORE Berthina (11/01/88)
444. ITANGUHA Chantal (25/08/82)
445. NGWALA CHITAKUMBI Nanette (23/04/76)
446. LARCHI Hanane (11/05/77)
447. KAMDOUM Carine (04/01/78)
448. ESSIAF Assma (12/03/90)
449. ADIM Ahmed (19/09/64)
450. MARLIN Meddy (20/08/87)

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461

451. ROMAND Youri (28/07/88)
452. TUGAR Christina (05/04/91)
453. BOXUS Wivine (21/02/72)
454. GUITTEREZ-RAMOS Eléonore (02/03/99)
455. CARLIER Pascale (28/02/66)
456. VANHECKE Nicolas (23/02/99)
457. ELPERS Laura (06/10/98)
458. VERSCHUEREN Andreas (09/08/98)
459. VAN GEENHOVEN Liesbeth (27/06/82)
460. HEEREN Nick (02/05/88)
461. DOLHAIN Sophia (02/07/97)
462. SMEETS Max (06/04/98)
463. DE SMET Jan-Karl (16/06/98)
464. VAN DEN BOSSCHE Nicolas (23/11/98)
465. LANDTMETERS Maxime (19/01/98)
466. LIEFOOGHE Thomas (22/09/98)
467. VER ELST Maxime (01/08/98)
468. VAN PELLECOM Rana (22/04/98)
469. MEULDERS Maxim (24/03/98)
470. SMETS Lotte (16/05/98)
471. DIERICKX Jorden (09/10/98)
472. ROOSENBOECK Yarne (12/05/98)
473. VAN LOEY Charlotte (17/06/98)
474. CARON Ellen (29/01/98)
475. COSTERS Helena (13/01/98)
476. PIERRART Luc (10/08/65)
477. VERBRAEKEN Caro (09/12/98)
478. EVENEPOEL Matthias (01/08/97)
479. MATTHYSSENS Nik (14/01/99)
480. HELSEN Florence (23/11/98)
481. DE BIE Vincent (16/09/98)
482. CLAES Pauline (13/02/99)
483. ADRIAENSSENS Hilde (04/12/68)
484. DE CLEENE Lavinia (09/02/98)
485. EL YAZIDI Ahlam (12/07/97)
486. VERHEYDEN Tom (23/05/75)
487. VAN HUL Brent (15/04/98)
488. VAN DEN EYNDEN Silke (05/07/98)
489. RUBENS Eva (22/03/98)
490. VERSCHUREN Marie (08/12/98)
491. VAN HOECK Klaas (14/01/99)
492. VERBINNEN Margot (06/03/98)

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493. DENS Jelle (21/08/98)
494. VAN DEN EYNDEN Sofie (13/03/98)
495. VAN GEYT Margo (11/05/98)
496. VANLERBERGHE Jens (27/04/98)
497. MAES Cato (15/12/97)
498. VANDERHAEGHEN Robin (20/05/98)
499. DE SUTTER Vincent (13/01/98)
500. VAN MALDEREN Joke (25/10/98)
501. PISON Veerle (19/03/69)
502. MAES Kristin (06/07/72)
503. STOCKMAN Arthur (24/01/98)
504. DE ROECK Benjamin (12/01/98)
505. PETIT Sarah (24/02/98)
506. MELCKENBEECK Annelien (12/03/98)
507. COPPENS Jordy (21/01/98)
508. BELLENS Laurien (28/04/98)
509. CLOOSTERMANS Tess (26/11/97)
510. MERTENS POLAK Melanie (10/05/98)
511. ROMERO ALVARADO Jennifer (15/11/98)
512. LANDUYDT Marthe (08/12/98)
513. REYNIERS Lara (09/09/98)
514. PROVOST Manon (07/06/98)
515. MENNES Siebe (27/08/98)
516. DE CORTE Shanti (11/05/98)
517. ARGUELLES Lotte (29/05/98)
518. VAN LOOY Yoni (24/07/98)
519. HOOFT Julie (06/01/98)
520. JANSSENS Hanne (16/08/98)
521. ANTONISSEN Ilse (24/01/59)
522. VAN HOVE Mirjam (10/09/98)
523. JANSEGGERS Gaëtane (06/10/99)
524. MORTELMANS Kaat (15/09/98)
525. VAN HOOFF Dorien (04/12/98)
526. VERBEKE Laura (01/02/99)
527. VANLAER Jens (28/06/96)
528. CARAMAZZA Luca (05/07/95)
529. TSHOKOTE Yema (01/03/69)

the will to commit a crime was evidenced by the observable acts that formed the start of the commission of the crime, and that were not suspended or only failed in their effect because of circumstances independent of the desires of the perpetrators,

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offence provided under Article 137(2)(1) of the [Belgian] Criminal Court, which, because of its nature or context, could cause serious damage to a country or an international organisation and is committed intentionally with the goal of seriously intimidating a population or unduly compelling a public authority or an intergovernmental organisation to perform or to abstain from performing any act, or of seriously destabilising or destroying fundamental political, constitutional, economic or social structures in a state or in an intergovernmental organisation thereby constituting a terrorist offence.

2. In Brussels, in the judicial district of Brussels,

attempted to commit a murder, that is, culpable homicide with intention to kill and with premeditation, of a number of persons, and in particular:

1. REYNAERT Nic (27/05/83)
2. VANDENBRANDE Kristel (21/04/1973)
3. KAUR Ranjeet (02/04/85)
4. HINO Minoru (03/07/1962)
5. DELHAUTER Loïc (10/11/97)
6. MARZOUK Rachida (11/06/65)
7. FAIZ Jihane (10/10/88)
8. SALI Addvija (17/11/66)
9. LEBRUN Igor (01/09/65)
10. DJIDJOU Ernest (21/11/70)
11. EL BASTRIOUI Saida (14/01/82)
12. EVERAERT Tinneke (26/01/91)
13. AMRI Mimouna (28/11/76)
14. MARON Leila (22/10/81)
15. HAULET Amaëlle (03/02/89)
16. GROOTERS Nizier (05/09/80)
17. CHARTON Xavier (06/09/85)
18. HADDOUCHI Mohamed (02/08/81)
19. GOCHET Claire (21/07/53)
20. MARGOUM Sara (23/10/74)
21. VANDE WAL Philippe (25/11/46)
22. PENSIS Murielle (24/09/46)
23. PENSIS Marylène (21/02/42)
24. TAMO Pauline (02/04/87)
25. VAN SCHERPENZEEL THIM Pierre (21/10/76)
26. VALENTIN Virginie (15/11/77)
27. DUPONT Sarah (12/10/76)
28. NDUDI BODO MALONDA Rosine (30/05/86)
29. TURNER John Edward James (21/03/84)

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30. LE PAS André (17/02/38)
31. ALTINTAS Hasan (15/07/68)
32. TOUNOU Thethe (17/11/84)
33. BEAMISH Mark (12/05/80)
34. HALFLANTS Thérèse (22/04/61)
35. VEIVO Harri (03/11/69)
36. MONTES ASTUDILLO Marta (07/02/85)
37. EL OUAZZANI Chadhi (20/02/81)
38. FIGHOU Sarra (07/11/89)
39. EL OUAZZANI Mahdi (11/09/2015)
40. RIMOLDI Alessio (23/07/76)
41. AAMI Meryem (19/12/68)
42. IDAN Hawraa Abdalrahman (08/08/87)
43. BOUKHLIA Fathia (29/04/82)
44. BOUSSELHAM Jdia (1957)
45. GIOVANNETTI Christelle (24/07/85)
46. COMMEINE An (05/04/79)
47. OFKIR Mohamed (1971)
48. EL GHOUL Soufian (26/07/83)
49. VAN DER STEEN Daniel (27/08/48)
50. METZ Karin (28/07/60)
51. RODRIGUEZ MARTINEZ Lidia (27/11/71)
52. VAN CROMBRUGGEN Julie (12/02/75)
53. STEFANUCI Roxana (25/07/93)
54. STEFANUCI Miruna (05/05/2014)
55. KIN Georges (20/04/42)
56. DERE Martine (22/12/60)
57. VAN CASTEREN Anne (23/08/59)
58. GODEFROID Karin (12/06/82)
59. NIKOLICZA Peter (16/11/74)
60. LASCHENA Alberta (08/10/67)
61. ALIKAJ Vitore (25/12/59)
62. GETSIOU Maria (22/08/65)
63. VANDERBEKEN Céline (25/09/86)
64. OBICO Helen (30/12/57)
65. OLIVEIRA PINTO Mara (04/01/99)
66. MANZANZA MAYIKANZI Christian (12/06/85)
67. COLLIGNON Stéphanie (05/10/77)
68. AHANGARZADEH Shiva (10/04/84)
69. NZABIRINDA Joseph (01/07/57)
70. VANDERKELEN Martine (03/04/58)
71. ROISIN Catherine (15/06/76)
72. EL KHALDI Ahlem (05/06/84)
73. LECOINTRE Véronique (27/01/62)

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74. VERMA Vineet (05/09/80)
75. PLUVINAGE Nathalie (12/08/71)
76. MAHIEU Catherine (02/02/76)
77. LIEGEOIS Alexandre (18/09/77)
78. SORIA GARCIA Alexandro (27/11/90)
79. VOCHTEN Anne (27/08/87)
80. ROBAYE Bruno (12/10/68)
81. KOCKLER Véra (22/10/82)
82. HACHENBERGER Kerstin (21/08/82)
83. HACHENBERGER Jan (12/07/10)
84. NDJENDJE BANDAY Rose (28/04/88)
85. VANDEN BUSSCHE Alexandra (08/04/83)
86. LEGRAND Xavier (21/04/68)
87. WAUMAN Erwin (31/08/75)
88. POST Manon (30/12/91)
89. COUTURIER Sandrine (26/05/68)
90. CARDON DE LICHTBUER Aurélie (01/11/72)
91. SALERNO Francesco (11/02/74)
92. PAUWELS Daniel (19/04/56)
93. WATERS Margaret (13/06/58)
94. MAJEWSKA Margaux (06/07/82)
95. MERCIER Patricia (18/02/69)
96. DEZSERI Miléna (30/04/96)
97. IBANEZ TORRENS Laura (12/12/95)
98. COLLOTTE Pascal (01/06/54)
99. PAVELESCU Raluca (06/06/87)
100. PINTO QUEIROS GUEDES André (12/09/88)
101. DE FRAIPONT Eric (04/07/67)
102. LANGLIN Fanny (25/04/97)
103. VERGER Solange (04/01/80)
104. BARRETO Evelyn (06/05/77)
105. PARTY Solana (15/05/96)
106. BOUFFLETTE Gilles (01/02/92)
107. KANISKI Rudolf (14/09/68)
108. VERDOOT Caroline (07/10/86)
109. SCHOLENT Clarisse (24/10/86)
110. BRANS Alexandre (24/11/83)
111. ARANA SAEZ Maria Gloria (02/01/69)
112. METTÄLÄ Jaana (03/06/72)
113. ANDRONE Diana (13/07/82)
114. GROUTARS Elisabeth (24/09/90)
115. LEBOVY François (17/03/81)
116. REUMAUX Mathilde (01/11/87)
117. VLAEMINCK Kristof (02/01/81)

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118. PHAM Thi Thanh Diem (16/03/64)
119. CHARLETON Daphné (15/04/79)
120. MULOWAY KABULA Stella (11/11/64)
121. REISSE Sandra (18/01/83)
122. VAN BEGIN Antoine (27/08/37)
123. CAËLS Olivia (03/04/85)
124. TAKITA Yu (19/09/84)
125. NZIENGUI Aimé-Jocelyn (04/04/67)
126. MONTENEGRO ROSERO Jimmy (13/03/77)
127. BORGIGNONS Sabine (24/06/74)
128. DI GIUSTO Aurore (11/04/75)
129. BOTTELLIER Natacha (25/08/88)
130. VINDREAU Vanessa (15/12/74)
131. AGHARBI Sabah (19/03/73)
132. LOPPE Juliette (30/03/72)
133. PELLERIN Marine (09/01/46)
134. VANDERHEYDEN Philippe (21/02/47)
135. GILLES Mathias (15/05/87)
136. VANONCKELEN Sofie (15/05/86)
137. ROMERO RODRIGUEZ Joaquin (14/10/66)
138. PETRE Michaël (25/04/77)
139. MAJOUDI Sfia (01/11/76)
140. MARCHEZINI MACHADO Alexandre (08/02/93)
141. MARCHEZINI Renata (02/06/68)
142. DA SILVA MOLINA Cristina (24/10/91)
143. SEMENZATO Marco (25/07/81)
144. GBEGBO Houefa (10/07/81)
145. GONZALES-NANDIN COMES Pablo (20/06/91)
146. PALAZZO Francesco (15/10/82)
147. NGUYEN KHANH Hang (17/05/86)
148. GRAJALES Sylvie (23/04/73)
149. BONOMI Patrizia (02/02/56)
150. SUD Juhi (10/03/80)
151. BERNARD Ken (08/04/86)
152. DUCHAMPS Helga (10/03/72)
153. GERLACH Sebastian (23/03/68)
154. VUOJARVI Saara (27/06/89)
155. DOUCY Florence (16/12/76)
156. SOROZO Alphonsine (31/01/52)
157. FANUEL Frédéric (28/09/71)
158. MOMVEMA Rita (02/07/82)
159. BRASSEUR Paul (14/08/74)
160. DELHASSE Christian (25/06/60)
161. PERRINI Stéphanie (20/04/92)

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- 162. JONCKHEERE Thibaut (03/04/69)
- 163. LACROIX Léonor (12/02/86)
- 164. LEDROIT Valentin (10/04/92)
- 165. FRANCOIS Déborah (26/09/87)
- 166. LAZRAK Ibtissam (01/06/1980)

the will to commit a crime was evidenced by the observable acts that formed the start of the commission of the crime, and that were not suspended or only failed in their effect because of circumstances independent of the desires of the perpetrators,

offence provided under Article 137(2)(1) of the [Belgian] Criminal Court, which, because of its nature or context, could cause serious damage to a country or an international organisation and is committed intentionally with the goal of seriously intimidating a population or unduly compelling a public authority or an intergovernmental organisation to perform or to abstain from performing any act, or of seriously destabilising or destroying fundamental political, constitutional, economic or social structures in a state or in an intergovernmental organisation thereby constituting a terrorist offence.

**C. Led a terrorist group**

The first (ATAR Oussama).

Regarding the first (ATAR Oussama) accused, several times between 1 December 2015 and 10 June 2016,

Having been the leader of a terrorist group, being a structured association of more than two people, established over a period of time, and that works together to commit terrorist offences listed under Article 137 of the [Belgian] Criminal Code;

**D. Participated in activities of a terrorist group (before 1 January 2017)**

The second (ABRINI Mohamed), third (KRAYEM Osama), fourth (ABDESLAM Salah), fifth (AYARI Sofien), sixth (EL HADDAD ASUFI Ali), seventh (EL MAKHOUKHI Bilal), eighth (BAYINGANA MUHIRWA Hervé), ninth (FARISI Smail), tenth (FARISI Ibrahim).

- With respect to the second (ABRINI Mohamed) and third (KRAYEM Osama) accused, several times between 1 December 2015 and 10 April 2016,
- With respect to the fourth (ABDESLAM Salah) and fifth (AYARI Sofien), accused, several times between 1 December 2015 and 19 March 2016,

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- With respect to the sixth (EL HADDAD ASUFI Ali) accused, several times between 1 December 2015 and 10 June 2016,
- With respect to the seventh (EL MAKNOUKHI) and eighth (BAYINGANA MUHIRWA Hervé) accused, several times between 1 December 2015 and 10 April 2016, and at the very least from 14 February 2016,
- With respect to the ninth (FARISI Smail) and tenth (FARISI Ibrahim) accused, several times between 1 December 2015 and 12 April 2016,

Having participated in a terrorist group activity, including the supply of information or material means to the terrorist group, or by providing any form of financing to a terrorist activity, having knowledge that this participation contributes to the commission of a crime or an offence of the terrorist group;

(Amended prevention provision as follows by the law of 14 December 2016 in effect on 1 January 2017:

participated in a terrorist group activity, including the supply of information or material means to the terrorist group, or by providing any form of financing to a terrorist activity, having had or should have had knowledge that this participation could contribute to the commission of a crime or an offence of the terrorist group)

Upon which the Court of Assise of the administrative district of Brussels Capital Region is expected to pronounce judgement.

Done at Brussels, on 16 June 2022

For the Federal Prosecutor,

Bernard MICHEL  
{signature}  
Federal magistrate

Paule SOMERS  
{signature}  
Federal magistrate

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*dons. J'ai entendu que le passager a dit, "ça c'est pour mon père et ça c'est pour jeter" »<sup>2005</sup>.*

Selon Moustapha FARISI, père des accusés, seuls 3 sacs poubelle contenant du linge de maison (coussins, carpeste, housse de couette, essuies etc. ..) auraient été déposés par ses soins au milieu de son garage. Tout le reste serait resté dans la camionnette. Et il précise en outre que sa femme a relavé le linge et jeté les sacs poubelle.

Lors de la reconstitution, Ibrahim FARISI déclare que le sac à dos a lui aussi été déposé au centre caritatif Islamic Relief<sup>2006</sup>.

En conséquence, les enquêteurs n'ont pu retrouver ni les matelas, ni les coussins, ni les couvertures, ni les vêtements, ni le sac à dos qui ont été utilisés par Osama KRAYEM et Khalid EL BAKRAOUI<sup>2007</sup>.

## **2. L'aide matérielle apportée au déménagement du studio le 25 mars 2016**

Le 25 mars 2016, Ibrahim et Smail FARISI reviennent au studio de l'avenue des Casernes à 14 h. 01.

A 17 h. 27, après le départ de Smail FARISI, Ibrahim FARISI fait à nouveau appel aux Taxis verts<sup>2008</sup>. Il utilise pour ce faire, son numéro de téléphone habituel<sup>2009</sup>.

Vers 19 h. les derniers objets restant dans cet appartement sont emportés par Marouan FERRY<sup>2010</sup> et Salah-Eddine SADDIKI<sup>2011</sup> agissant pour le compte des Taxis verts.

Selon Marouan FERRY, l'appartement était déjà vidé.

Tout était dans des sacs qui ont été déposés dans un garage à côté d'une maison située à Anderlecht<sup>2012</sup>. Selon Ibrahim FARISI, ces objets sont déposés chez lui, rue Delcourt 57 à Anderlecht.

<sup>2005</sup> PV 16836/16, MOD 9, C1, SF1, 1.

<sup>2006</sup> PV de reconstitution, MOD 11, C2, SF11, 3

<sup>2007</sup> PV 016127/16, MOD15, C3, SF2, 26

<sup>2008</sup> PV 27557/16 (MOD15, C2, SF2, 50B)

<sup>2009</sup> le « 32483188182 »

<sup>2010</sup> PV 31302/16 (MOD15, C11, SF1, 5)

<sup>2011</sup> PV 31208/16 (MOD15, C11, SF1, 3)

<sup>2012</sup> C'est-à-dire une table, un fer à repasser, des couverts, une table du salon et un tapis (PV 12287/16, MOD9, C7, SF3, 6)



## D - LES DÉCLARATIONS D'IBRAHIM FARISI

### 1. A propos de son logement avenue des Casernes

Venu occuper l'appartement de son frère pour souffler un peu, Ibrahim FARISI déménage après un très bref séjour.

*« J'ai vécu chez lui environ 2 semaines mais un peu avant le 05.10.2015 il m'a dit de partir »<sup>2013</sup>.*

Il affirme ne pas avoir appris qui allait le remplacer dans ce studio. Smail serait venu la veille de son départ lui demander de le quitter:

*« Smail est venu à l'appartement et il m'a demandé de partir car il allait ramener quelqu'un sans précision. Je me suis dit que c'était une copine vu qu'il était en relation avec une fille, donc je ne me suis pas posé de questions et je suis parti. Il me parlait qu'il voulait remettre l'appartement car ça lui revenait trop cher. On avait discuté que je reprenne l'appartement mais ça ne m'intéressait pas, c'était trop cher pour ce que c'était. il y'avait une seule grande pièce et une salle de bain avec la toilette »<sup>2014</sup>.*

Ibrahim FARISI affirme ne pas connaître les frères EL BAKRAOUI :

*« Je ne les connais pas du tout je vous jure même jamais croisé. Mon frère m'a dit de quitter l'appartement et je ne les ai pas croisés. Mon téléphone peut le prouver (...) Pour moi j'y suis retourné 1 semaine après les attentats »<sup>2015</sup>.*

### 2. A propos du choix des dates du déménagement effectué les 23 et 25 mars 2016

Ibrahim FARISI n'a pas d'explication particulière quant aux dates auxquelles le déménagement a eu soudainement lieu. Bien avant les attentats, Smail FARISI aurait déjà évoqué l'idée d'un déménagement :

*« Il me parlait qu'il voulait remettre l'appartement car ça lui revenait trop cher. On avait discuté que je reprenne l'appartement mais ça ne m'intéressait pas, c'était trop cher pour ce que c'était. il y'avait une seule grande pièce et une salle de bain avec la toilette (...) Dejà en septembre-octobre il m'avait dit qu'il voulait quitter l'appartement à Etterbeek. Il avait des affaires à moi dans cet appartement.*

*Il fallait attendre que mon appartement soit terminé pour que je reprenne mes affaires. Mon frère Smail m'avait dit qu'il devait remettre les clés en fin de mois, soit fin mars. Je lui avais promis de l'aider à déménager quand mes travaux étaient finis (...) »<sup>2016</sup>.*

Ce serait donc à un moment situé entre les événements de la rue du Dries et les attentats que Smail FARISI aurait décidé de déménager pour la fin du mois de mars 2016.

<sup>2013</sup> PV interrogatoire JI, MOD9, C7, SF3, 3

<sup>2014</sup> PV 6403/19, joint par PV 14287/19, MOD9, C7, SF3, 6

<sup>2015</sup> PV interrogatoire JI, MOD9, C7, SF3, 3

<sup>2016</sup> PV 6403/19, joint par PV 14287/19, MOD9, C7, SF3, 6





### 3. A propos de son frère Smail

Après les attentats de Paris et lorsque Smail vient l'aider à rénover son appartement, Ibrahim FARISI n'aurait rien remarquer de particulier dans le comportement de son frère :

*« C'était comme d'habitude. Je n'ai rien remarqué. Il était un peu "raplaplat" mais ça peut être aussi à cause de l'alcool. C'était la période où il m'aidait à retaper mon appartement »<sup>2017</sup>*

S'il vient le 23 mars 2016 à l'appartement de son frère, ce n'était, prétend-il, que pour récupérer pour sa PlayStation, sa TV et la table. Mais quand il le voit paniquer, il décide de l'aider à déménager.

Mais il précise au cours de la reconstitution du 17 juin 2016 qu'il n'aurait pas su pourquoi son frère paniquait et il n'aurait pas fait de lien avec les attentats.

### 4. A propos de sa connaissance des faits et de la raison réelle du déménagement

Les déclarations d'Ibrahim FARISI varient quant au moment où il aurait fait le lien entre les attentats, le studio de son frère et le déménagement.

Ce ne serait que le 9 avril 2016, c'est-à-dire après la découverte du studio de l'avenue des Casernes, qu'il aurait fait le lien avec les attentats.

Ce jour-là en effet il aurait accompagné son frère à Etterbeek, pour « *changer la serrure de son studio* » :

*« Il m'a juste dit qu'il devait changer la serrure de son studio. Je l'accompagne le 9 avril pour changer la serrure de son appartement » . audition du 18 février 2019,*

*(...) En arrivant sur place, j'ai constaté la présence de nombreux journalistes. J'en ai d'ailleurs interpellé un afin de savoir ce qui se passait. Je n'étais au courant de rien. J'étais surpris par la situation. Le journaliste nous a expliqué que la police était rentrée dans l'immeuble où habite mon frère afin d'y effectuer une perquisition. Nous sommes alors rentrés dans l'immeuble mais mon frère n'a pas pu rentrer dans son appartement étant donné que la porte était scellée. Je suis resté à distance près de l'ascenseur. »<sup>2018</sup>.*

Au juge d'instruction qui l'interroge le 11 avril 2016, il précise :

*« mon frère ne m'avait jamais rien dit avant. C'est en voyant les scellés, j'ai compris »*

<sup>2017</sup> pv 014287/19 MOD9, C7, SF3, 6

<sup>2018</sup> PV 15867/16, MOD9, C7, SF3, 1



« Il m'a juste dit qu'il devait changer la serrure de son studio. Je l'accompagne le 9 avril pour changer la serrure de son appartement »<sup>2019</sup>

« Mon frère m'a un peu expliqué pendant l'arrestation, vite fait, vaguement. En attendant la patrouille, Smail me dit que c'est à cause des attentats qu'il y a la police qui est venue dans son appartement, mais il me rassure et me dit que moi je n'ai rien à voir et que lui non plus. Il me dit juste qu'il a logé des types qu'il fallait pas. Je le prends mal je m'énerve et c'est pour ça que je n'ai pas été très coopératif lors de mon interpellation »<sup>2020</sup>.

Mais quand, le 19 avril 2016, les enquêteurs lui demandent s'il ne se doutait de rien quant aux activités des occupants de l'appartement ou de leur identité, Ibrahim FARISI répond étonnement:

« Non rien du tout. Je ne savais rien jusqu'au 23 mars. Je ne connais personne comme je vous l'avait déjà dit.

Et parlant de son frère :

(...) Je n'avais aucun doute. Jamais je me suis dit qu'il connaissait des gens comme ça »<sup>2021</sup>.

##### 5. A propos du surnom « Fumier »

Son compte Facebook s'intitulant « FUMIER PTBS », les enquêteurs interrogent Ibrahim FARISI sur ce surnom. Il répond qu'on le surnomme « Fumier ».

« En fait, dans un premier temps, c'est mon frère qu'on appelait ainsi. C'était à l'époque où on habitait au Peterbos. Ensuite, c'est moi qui ai repris ce surnom. C'était des blagues de jeunesse »<sup>2022</sup>.

« En fait, plus jeune, au quartier du Peterbos on nous appelait comme ça, mon frère et moi, "petit fumier", "grand fumier", ...Ce sont des surnoms d'enfance. Je vais penser à le changer »<sup>2023</sup>.

Ibrahim FARISI affirme cependant qu'il ne peut être la personne surnommée Fumier qui est visée dans l'audio enregistré par Ibrahim EL BAKRAOUI : il ne le connaît pas, il ne l'a jamais vu, ni même croisé dans l'immeuble.

<sup>2019</sup> PV 14287/19 (MOD 9, C7, SF3, 6)

<sup>2020</sup> PV 14287/19 (MOD 9, C7, SF3, 6)

<sup>2021</sup> PV 17312/16 (MOD 9, C7, SF3, 4)

<sup>2022</sup> PV 9804/18, MOD 9, C. 7, SF 3, 5

<sup>2023</sup> PV 14287/19, MOD 9, C7, SF3, 6





*« pour moi, ce n'est pas moi qui suis concerné par cet audio. En tout cas, comme je vous l'ai déjà déclaré, je ne connais pas cette personne, ni lui, ni son frère »*<sup>2024</sup>.

Smail FARISI confirme cette déclaration :

*« Entre moi et mon frère, c'est moi. Si vous me demandez si c'est adressé à moi ou à mon frère, c'est à moi que c'est adressé. Mon frère, il n'a jamais vu EL BAKRAOUI »*<sup>2025</sup>.

#### 6. Quant à sa participation aux activités d'un groupe terroriste

Ibrahim FARISI nie avoir participé aux activités d'un groupe terroriste :

*« j'ai juste aidé mon frère à déménager, il m'avait déjà aidé en me logeant dans le passé. Il ne s'agit pas d'un ami c'est mon frère. Je n'ai rien à voir avec tout ça. (...) Je n'ai aucun lien avec les membres de ce dossier »*<sup>2026</sup>.

#### E - EXPERTISE PSYCHIATRIQUE

Dans leur rapport daté du 7 juillet 2020, les experts CHARLES et MRABET<sup>2027</sup> concluent qu'au moment des faits mis à sa charge, Monsieur FARISI Ibrahim ne se trouvait ni dans un état de démence, ni dans un état grave de déséquilibre mental, ni de débilité mentale le rendant incapable du contrôle de ses actions. Il se trouve encore actuellement dans cet état.

L'accusé ne présente pas de danger social particulier qui découlerait d'une affection psychiatrique grave, évolutive et actuellement caractérisée, ni d'un trouble caractérisé de la personnalité.

Vu l'absence de psychopathologie majeure qui permettrait d'expliquer la dangerosité sociale de l'intéressé aucun traitement spécialisé ne paraît à suggérer.

Les experts relèvent que l'examen mental systématique ne met en évidence aucune psychopathologie majeure antérieure, ni actuelle si ce n'est un trouble de l'adaptation avec humeur anxieuse réactionnelle.

Les experts précisent qu'Ibrahim FARISI a mal vécu son incarcération *« en l'absence de sentiments de culpabilité ou d'avoir fait "quelque chose de mal" »*.

Ceci, écrivent-ils, n'enlève rien à ses capacités de jugement et à sa responsabilité.

<sup>2024</sup> PV 9804/18, MOD 9, C. 7, SF 3, 5

<sup>2025</sup> PV interrogatoire JI, MOD 9, C7, SF2, 10

<sup>2026</sup> PV 17312/16, MOD9, C7, SF3, 4

<sup>2027</sup> MOD 7, C7, SF2, 8

